TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

APRIL 3, 2023

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. SWEARING IN OF ELECTED OFFICIALS

A. The Honorable Judge Lisa Small
1. Mayor Danielle H. Moore
2. Julie Araskog
3. Edward A. Cooney
(Mayor Becomes Presiding Officer)

VI. ORGANIZATIONAL ITEMS

A. Election of Town Council President Pursuant to Section 3.01 of the Town Charter Page 9
(Town Council President Becomes Presiding Officer)

B. Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter Page 11

VII. RECOGNITIONS

A. Recognition of Kim Coleman for her service on the Landmarks Preservation Commission from March 2018 to March 2023
Danielle H. Moore, Mayor

B. Recognition of Pat Segraves for his Service on the Landmarks Preservation Commission from March 2017 to March 2023
Danielle H. Moore, Mayor

C. Recognition of Alfred "Skip" Aldridge for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

D. Recognition of Elizabeth Dowdle for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

E. Recognition of Kristen Kelly-Fisher for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

F. Recognition of Nicki McDonald for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

G. Recognition of Peter McKelvy for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

H. Recognition of Katherine Ostberg for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

I. Recognition of Michael Pucillo for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

J. Recognition of Michael Reiter for his Service on the Strategic Planning Board from December 2021 to March 2023

Danielle H. Moore, Mayor

VIII. PRESENTATIONS

A. i. Presentation by Trainnovations on the Strategic Planning Board's activities and recommendations Page 13
ii. Minutes of the March 3, 2023, Strategic Planning Board Meeting
TIME CERTAIN: 10:30 AM

Trina Pulliam, Trainnovations

IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointments to the Code Enforcement Board Page 37

Pat Gayle-Gordon, Deputy Town Clerk

B. Presentations by the Applicants and Appointments to the Recreation Advisory Commission Page 53

Pat Gayle-Gordon, Deputy Town Clerk

X. COMMENTS OF MAYOR DANIELLE H. MOORE

XI. COMMENTS OF TOWN COUNCIL MEMBERS

XII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 69
Pat Gayle-Gordon, Deputy Town Clerk

   a. March 14, 2023, Town Council Meeting Minutes
   b. March 15, 2023, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 29, 2023 Page 115
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 026-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Construction Phase Services for the E-6 Pumpstation Improvements to Kimley-Horn and Associates, Inc. in the amount of $95,500 and establishing a project budget of $105,000. Page 116
Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 028-2023 A Resolution of the Town Council of Page 119

the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-14, D-12 Stormwater Pumpstation Improvements to Murray Logan Construction, LLC in the Amount of $947,680 and Establishing a Project Budget of $1,089,832

Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 030-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Site Civil Review Assistance for Planning, Zoning, and Building to Kimley-Horn and Associates, Inc. in the Amount of $65,000, Chen Moore and Associates in the Amount of $65,000 and Mock-Roos in the Amount of $65,000. Page 123

   Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 031-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of $390,000 and Establishing a Project Budget in the Amount of $470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach. Page 127

   Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 032-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-25 for the E-6 Pumpstation Improvements and Approving a Construction Contract to Hinterland Group, Inc. in the Amount of $1,134,000 and Establishing a Project Budget in the Amount of $1,304,000. Page 136

   Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 033-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Construction Phase Services for D-8 and E-5 Pumpstations to Mock-Roos in the Amount of $199,145 and Establishing a Project Budget of $229,016. Page 143

   Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 034-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-18 for the Rehabilitation of D-8 Stormwater Pumpstation and the E-5 Wastewater Pumpstation to Murray Logan Construction, LLC in the Amount of $2,064,680 and Establishing a Project Budget of $2,374,382. Page 146

   Dean Mealy, Procurement and Contract Manager

XIV. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Architectural Commission Page 149

Jeffery W. Smith, Chair

XV. COMMITTEE REPORTS

A. Report of the Finance and Taxation Committee Meeting Held on Page 151

Thursday, March 16, 2023
TIME CERTAIN: 2:30 PM
Margaret A. Zeidman, Chair

XVI. PUBLIC HEARINGS

A. RESOLUTION NO. 035-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 125 Seagate Road, in the Town of Palm Beach, Florida. Page 158

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

B. RESOLUTION NO. 036-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 1287 North Ocean Way, in the Town of Palm Beach, Florida. Page 203

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

XVII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status and Review of Current Construction Impacts Page 231

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

2. Update on Florida Department of Transportation (FDOT) Projects within the Town of Palm Beach Page 247

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

3. Discussion and Decision Regarding Removal of Sargassum from the North end Beach Page 252

   RESOLUTION NO. 027-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-15 for Beach Maintenance Services to BeachKeeper, Inc. in the amount of $82,160, Establishing a Project Budget of $200,000 and Establishing a Five-year award based on Satisfactory Performance and Budget Authorization in the Amount of $1,000,000.

   Dean Mealy, Procurement and Contract Manager

4. **ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception with Site Plan Review for modifications to an existing Page 260

20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) specifically to include the addition of two pickleball courts and the renovation and alteration of an existing lifeguard station into the approved site plan including variances to reduce setback requirements and to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project as presented at the March 22, 2023, meeting. Carried 7-0.]*

Wayne Bergman, Director of Planning, Zoning and Building

5. Phipps Plaza Park Donation Page 287

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

C. New Business

1. Commercial Motion Picture Application Page 296

   Kirk W. Blouin, Town Manager

2. RESOLUTION NO. 039-2023 A Resolution of the Town Council of the Town of Palm Beach, Florida, Opposing and Urging the Florida Legislature not to Adopt House Bill 1317 and Companion Senate Bill 1346, which would Preempt the Town's Authority to Enforce Major Provisions of its Historic Preservation Ordinance and Undermine Protections for Locally Designated Historic Buildings and Structures; Adding This Matter to the Town's List of Legislative Priorities for the 2023 Florida Legislative Session; and Directing the Town Clerk to Transmit This Resolution to the Bill Sponsors, the Speaker Of the House and President of the Senate, and the Palm Beach County Delegation. Page 308

   Wayne Bergman, Director of Planning, Zoning and Building

XVIII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend the Town's Budgets Page 330

   ORDINANCE NO. 001-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.

   Robert Miracle, Deputy Town Manager, Finance & Administration

2. Proposed Ordinance to Amend Chapter 70 of the Town Code Relative to the Use of Public Fountains and Public Urination Page 334

ORDINANCE NO. 006-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 70 Offenses Of The Town Code Of Ordinances By Adding A New Section 70-6, Prohibited Use Of Public Fountains, Hose Bibs, Sinks, And Showers And A New Section 70-7, Prohibition On Public Urination And Defecation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Nicholas Caristo, Chief of Police

XIX. ANY OTHER MATTERS

A. Discussion of Noise Ordinance After Certain Hours on Private Property Page 338

Margaret A. Zeidman, Town Council President

XX. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of

the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH
Town Council Meeting on: April 3, 2023

Section of Agenda
Organizational Items

Agenda Title
Election of Town Council President Pursuant to Section 3.01 of the Town Charter *(Town Council President Becomes Presiding Officer)*

Presenter

ATTACHMENTS:

- **Sample Ballot**

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING APRIL 3, 2023

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

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

Margaret A. Zeidman

Signature of Town Council Member: _____

Bobbie Lindsay, Town Council Member

SAMPLE BALLOT

TOWN OF PALM BEACH
Town Council Meeting on: April 3, 2023

Section of Agenda
Organizational Items

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

Presenter

ATTACHMENTS:

- **Sample Ballot**

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

TOWN COUNCIL MEETING APRIL 3, 2023

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

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

Bobbie Lindsay

SAMPLE BALLOT

Signature of Town Council Member: _____

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Presentations

Agenda Title
i. Presentation by Trainnovations on the Strategic Planning Board's activities and recommendations
ii. Minutes of the March 3, 2023, Strategic Planning Board Meeting
TIME CERTAIN: 10:30 AM

Time Certain
10:30 AM

Presenter
Trina Pulliam, Trainnovations

ATTACHMENTS:

- **Memorandum Dated March 24, 2023, from Carolyn Stone, Deputy Town Manager**
- **Strategic Planning Board Meeting March 3, 2023 Minutes**
- **Presentation of Strategic Planning Board activities and findings**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

To: Town Council

Via: Danielle H. Moore, Mayor

From: Carolyn Stone, Deputy Town Manager

Re: Strategic Planning Board recommendations

Date: March 23, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council accept the proposed Strategic Planning Board's recommended mission and vision statements, critical success factors, strategic focus areas, and strategic objectives as the foundation of the Strategic Plan as presented by Trainnovations Consulting at today's Town Council Meeting.

GENERAL INFORMATION

Town Council authorized the formation of the Strategic Planning Board in December 2021 to be chaired by the Mayor. Eight community members (Skip Aldridge, Beth Dowdle, Kristen Kelly-Fisher, Nicki McDonald, Peter McKelvy, Katherine Ostberg, Michael Pucillo, and Michael Reiter) were then appointed to the board. Over the past fifteen months, the facilitated board meeting provided guidance that led to a successful community survey, community engagement events, and the items presented for consideration today by the Trainnovations Consulting.

Staff also met during this period to begin aligning current and future operations and capital projects with the Strategic Planning Board's consented Strategic Focus Areas. Building an actionable Strategic Plan that supports Town Council direction, Staff will then align budget requests to build strategies and action items. The presentation of the Strategic Plan and its supportive strategies and actions will be presented to the Town Council in conjunction with the proposed Fiscal Year 2024 budget. The Strategic Plan will then come before the Town Council to report both the accomplishments and obstacles for a systematic review to update anything in need of adjustment as part of the annual budget process.

Trainnovation will be presenting five (5) Strategic Objectives for Council consideration. These Strategic Objectives are groupings of the consented Strategic Focus Areas and Critical Success Factors, The proposed Strategic Objectives are: Community Culture and Character; Environmental Stewardship; Mobility and Transportation; Safe and Resilient Community; and Governmental Leadership and Innovation.

BOARD RECOMMENDATION

The Strategic Planning Board recommends to the Town Council for consideration adopting the following:

Vision Statement:
The Town of Palm Beach will promote an exceptional quality of life for current and future generations. We take pride in our small town, honoring our heritage as a unique legacy worth keeping, while creatively managing future challenges.

Mission Statement:
The Town of Palm Beach provides unparalleled services to residents, businesses, and visitors. Through leadership and community engagement we:

- Promote our gracious community character and culture;
- Ensure a safe and secure Town;
- Respect our history and architecture; and
- Conserve the health of our environment.

Critical Success Factors:

- Quality of Life
- Collaborative Town Government
- Preserve Community Culture and Character
- Proactive Management of Environmental Threats
- Sound Fiscal Management
- Safe, Clean, On-Demand Drinking Water

Strategic Focus Areas:

- Provide a framework for supporting the Town of Palm Beach before, during and after a natural or manmade disaster.
- Control, regulate, and stabilize on-island mobility including traffic, parking, and pedestrian thoroughfares.
- Promote sustainable management and enhancement of the Town of Palm Beach's outstanding parks and natural environment through conservation and environmental protection.
- Preserve and honor our unique community, rich history, and architectural character.

- Actively engage with federal, state, and local governments and agencies to protect home rule in the Town of Palm Beach.
- Provide reliable and sustainable management of drinking water, waste water, and storm water.

The Strategic Planning Board submitted ideas of action items to support the Strategic Focus Areas and Critical Success Factors. All input has been provided to the executive leadership team for consideration if not already being supported by department operations and/or capital programs.

TOWN OF PALM BEACH

STRATEGIC PLANNING BOARD MEETING

THE MEETING MINUTES OF THE STRATEGIC PLANNING BOARD HELD ON Friday, March 3, 2023

I. CALL TO ORDER AND ROLL CALL

The Strategic Planning Board meeting was called to order on Friday, March 3, 2023, at 2:01 p.m. All board members were present for the meeting.

II. PLEDGE OF ALLEGIANCE

Mayor Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Member Pucillo and seconded by Member Aldridge to approve the agenda. The Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS

There was no communication from citizens.

V. APPROVAL OF MEETING MINUTES

A. February 9, 2023, Strategic Planning Board Meeting Minutes

Motion was made by Member Aldridge and was seconded by Member McDonald, to approve the minutes of the February 9, 2023 meeting. The motion passed unanimously.

VI. REGULAR AGENDA

A. Draft Town Council Presentation

Trina Pulliam, Trainnovations

Ms. Pulliam presented a draft overview of the April 3, 2023 presentation that will be made at the April 3, 2023 Town Council meeting.

B. Strategic Planning Board Member Strategic Focus Areas Implementation Ideas and Suggestions

Carolyn Stone, Deputy Town Manager
Jess Savidge, Administrative Manager

Following the overview provided by Ms. Pulliam, Carolyn Stone and Jess Savidge presented an overall summary of Staff's parallel workshops and the development of Staff strategies and actions. The presentation and discussion explained that Staff strategies and actions in development support the consented Board's Strategic Focus Areas scheduled to be presented to the Town Council on April 3, 2023 for adoption. Many of these draft strategies and actions reflect ideas submitted by the

DRAFT

Board members. All department directors were provided a master list of all ideas and suggestions submitted by the Board members to review. Departments will continue to develop strategies and action items to support the Town Council approved Strategic Focus Areas throughout the budget planning process. The comprehensive list of Board members' ideas will be provided to the Town Council.

VII. ADJOURNMENT

Motion was made by Member Aldridge and seconded by Member McKelvy to adjourn. The Motion passed unanimously.

Mayor Moore adjourned the Strategic Planning Board meeting at 3:03 p.m.

APPROVED:

_____
Mayor Danielle H. Moore
Chair

ATTEST:

_____
Pat Gayle-Gordon, Deputy Town Clerk

_____
Date

DRAFT

PALM BEACH
Florida

Strategic Planning

Town of Palm Beach





Trainnovations

Based in Palm Beach County
Local Government consulting for over 25 years
Our Focus is:
Strategic Planning and Deployment
Leadership Development

Utilizing the National Baldrige Excellence Framework
We help your organization Move from Better to Brilliant!

BALDRIGE
Performance Excellence Program

PALM BEACH
Florida

Scope of Work

Facilitate the Strategic Planning Board meetings in order to provide recommendations to the Town Council regarding:

- 5-10 Year Vision
- Mission
- Strategic Goals

Facilitate 2 Public Community Engagement meetings to get feedback on the Community Survey Results and the Strategic Planning Board outputs. Outputs and Deliverables include:

- SWOT Analysis
- Development and Analysis of Critical Success Factors
- Development and Analysis of Strategic Focus Areas
- Vision
- Mission
- Town Council Final Presentation



Our Journey!

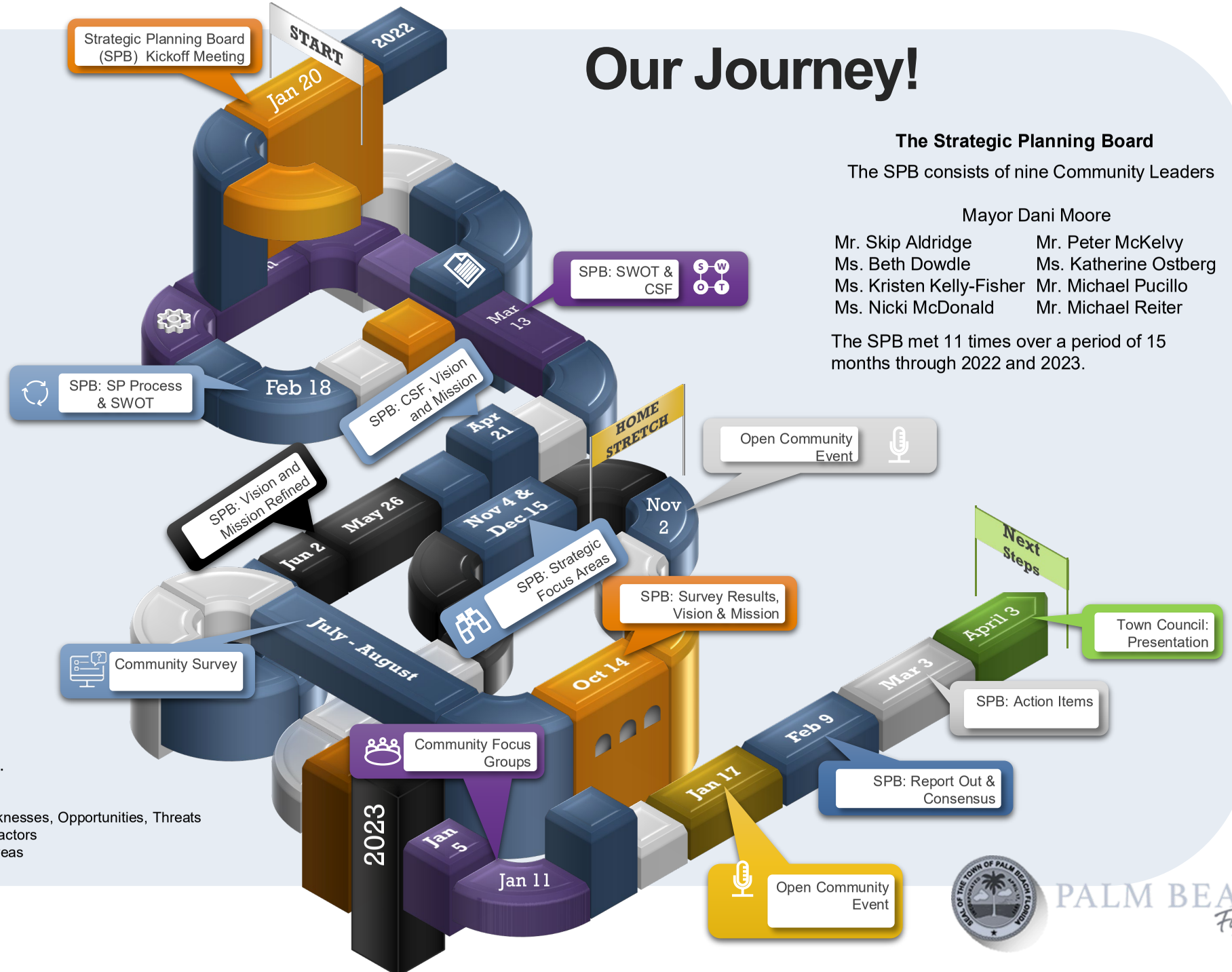
Community Engagement

Throughout the process, the community has been involved through a variety of vehicles

- A community-wide survey conducted by Community Data Platforms, an independent Survey Company
- Two Community Focus Groups facilitated by Trainnovations
- Two Open Community meetings facilitated by the Mayor and Town Staff
- Eleven SPB Public Meetings
- Solicitation of input by SPB members in their neighborhoods and community meetings.

Staff Engagement

Parallel to the Strategic Planning Boards efforts, Town Staff (Directors, Asst. Directors, and emerging leaders) have engaged in workshops working on strategies, objectives, goals, actions items and measures relative to Town operations.



The Strategic Planning Board

The SPB consists of nine Community Leaders

Mayor Dani Moore

Mr. Skip Aldridge	Mr. Peter McKelvy
Ms. Beth Dowdle	Ms. Katherine Ostberg
Ms. Kristen Kelly-Fisher	Mr. Michael Pucillo
Ms. Nicki McDonald	Mr. Michael Reiter

The SPB met 11 times over a period of 15 months through 2022 and 2023.

SWOT – Strengths, Weaknesses, Opportunities, Threats
CSF – Critical Success Factors
SFA – Strategic Focus Areas

By the Numbers!

04-03-2023 TCM Backup

Community Survey

Community Data Platforms
July-August 2022

1500 respondents:

- Median Age-67
- Women 54%
- Full time residents-67%
- Part time residents-18%
- Non-residents-12%



Community Engagement:

Open Community Event
2 meetings with approximately 100 attendees

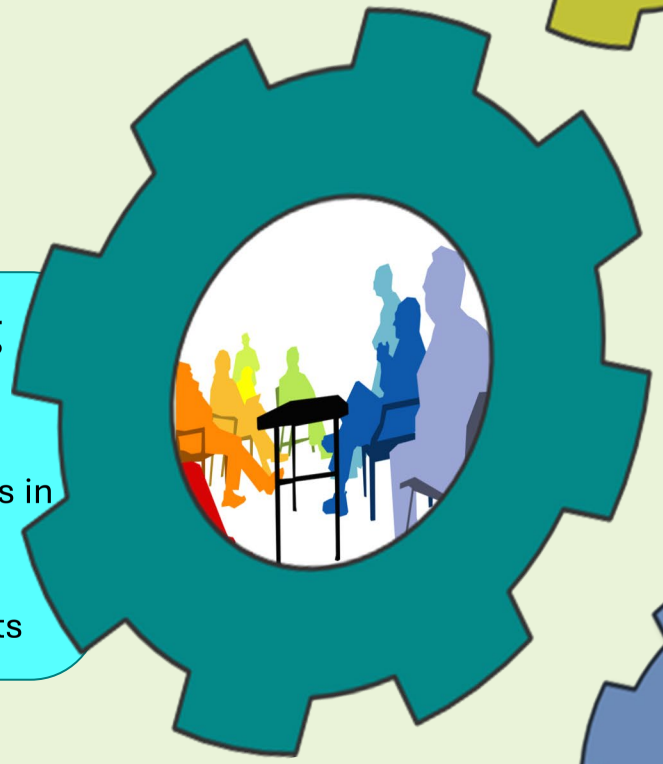
Focus Groups

January 5 & 11, 2023

Focus Group Demographics

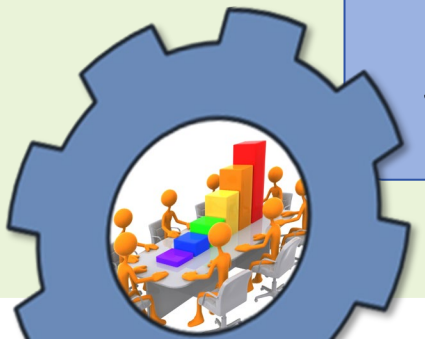
	Invited	Attended
Participants	61	41
Midtown	33	20
South end	10	8
North end	18	13
Full time	31	22
Part time	30	19





Strategic Planning Board

- Approximately 36 hours in meetings as a team
- Many hours of “home” committee assignments



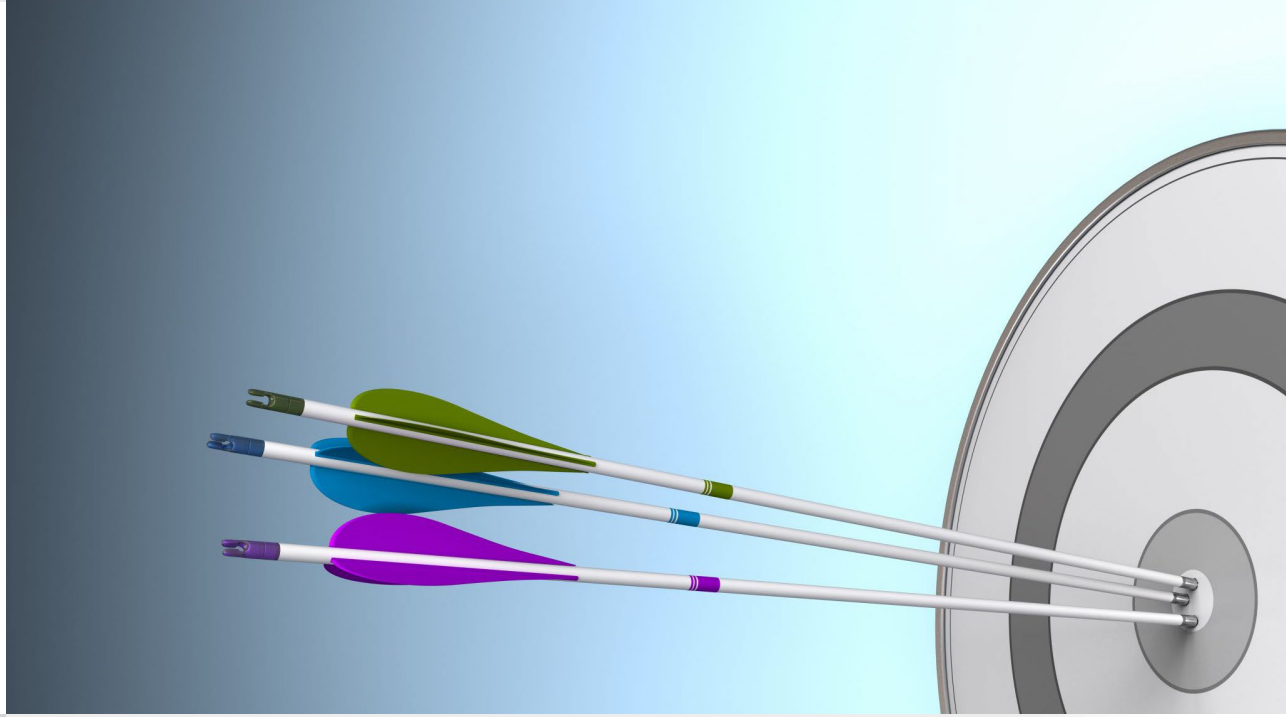
Staff Process

Leadership Staff process supports the consented SPB Strategic Focus Areas and dovetails with the Budget Process.

Trainnovations, Moving Your Organization from Better to Brilliant, 2023

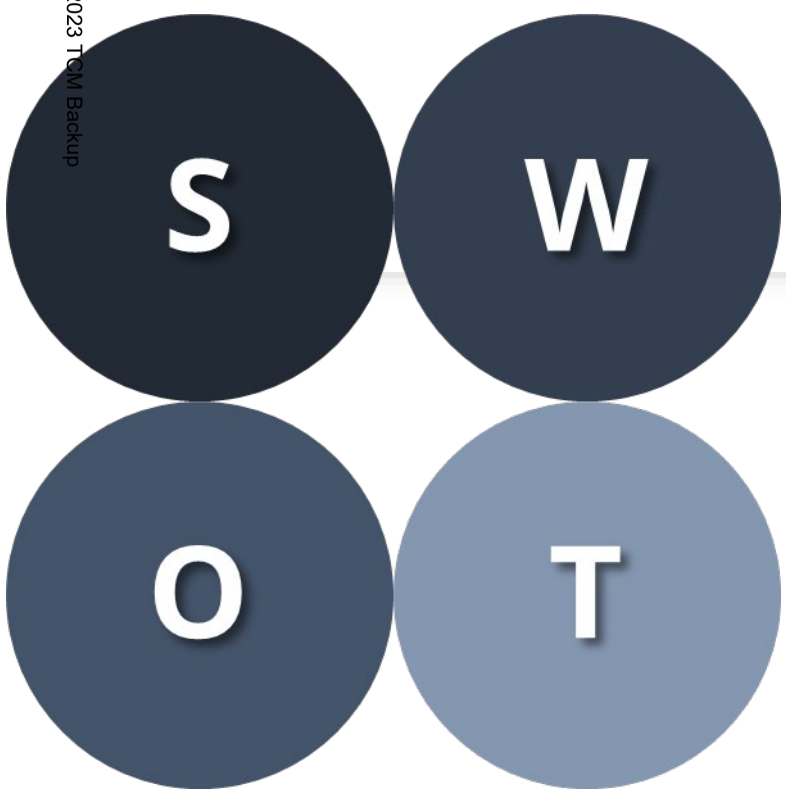
PALM BEACH Florida

Our Outcomes



PALM BEACH
Florida

SWOT ANALYSIS



STRENGTHS

1. Town Government, working in partnership between residents, elected officials, and staff, is responsive to community needs.
2. Palm Beach enjoys a unique historic architecture and landscape character.
3. A variety of cultural, recreational, transportation, health care and educational amenities are available within Palm Beach and neighboring communities.
4. The community is engaged and supportive.
5. Palm Beach provides a safe and secure Town through Police and Fire departments.
6. The Town is financially solid and is in a position of financial sustainability.

OPPORTUNITIES

1. Regional opportunities may be leveraged to increase access to amenities: Cultural, Transportation, Recreation, Health Care, Education.
2. The Palm Beach community is supportive and generous in its philanthropic support of the Town.
3. There is an opportunity to "lead by example" including but not limited to policy and education on environmental impact issues and concerns.
4. Emerging and desirable technologies may, through thoughtful management, present opportunities for partnerships and/or mitigation of existing or new challenges.

WEAKNESSES

1. Mobility, Traffic, and Parking are adversely impacted by an increase in people, autos, and bicycles.
1. This creates an impact to the "Palm Beach Way" defined as kind, polite, and slower paced.
2. The Town code is outdated, inconsistent, and does not represent the Town's historic character.
3. There is limited availability to in-town amenities such as public transportation and health care.
4. There is a lack of data for decision making.

THREATS

1. Natural (climate change, sea level rise, hurricanes, etc) and man-made (pesticides, e.g.) environmental conditions represent threats to the Town.
2. The current water utility service and contract represents an insecurity in availability and quality and presents a long-term environmental threat.
3. The current political environment is eroding home rule, producing unfunded mandates, and resulting in a dependence on other governmental entities.
4. Congestion due to population growth, additional people and vehicles, and increase delivery of goods and services adversely impacts quality of life and burdens the Town's limited infrastructure capacity.

Trainnovations, Moving Your Organization from Better to Brilliant, 2023

Critical Success Factors

Quality of Life

Means…

Our Palm Beach lifestyle is sustained by preservation of our community beauty through its built and natural environment; management of traffic, parking, and mobility impacts; enjoyment of cultural, recreational, and educational opportunities; expectations for respectful community conduct; and a safe and secure community.

Preserve Community Culture and Character

Means…

The Town promotes the small-town feel of Palm Beach by preserving its exceptional architectural character, rich history, and unique character.

Critical Success Factors

Sound Fiscal Management

Means…

The Town thrives financially over the long term because of decision making and budgeting based on accurate and relevant data, setting organizational priorities across all government services considering needs, and basing fiscal policies on governmental accounting best practices.

Safe, Clean, On-demand Drinking Water

Means…

The Town's drinking water is healthy, both for consumption and the environment. It is readily available without worry or limitations. The Utility infrastructure is sound and meets current and future needs.

Vision and Mission



Vision:

The Town of Palm Beach will promote an exceptional quality of life for current and future generations. We take pride in our small town honoring our heritage as a unique legacy worth keeping while creatively managing future challenges.

Mission:

The Town of Palm Beach provides unparalleled services to residents, businesses, and visitors. Through leadership and community engagement we:

- Promote our gracious community character and culture;
- Ensure a safe and secure Town;
- Respect our history and architecture; and
- Conserve the health of our environment.

Strategic Focus Areas



Outcome: Through *mitigation, the impacts for potential natural and manmade disasters are reduced while maintaining community resilience. A culture of preparedness and responsiveness for all residents, businesses, and government is built and fostered.*

SFA: *Control, regulate and stabilize on-island mobility including traffic, parking, and pedestrian thoroughfares.*

Outcome: *Traffic congestion and parking are managed for residents and visitors consistent with the Town's charm and character. Pedestrian thoroughfares are protected and secured for safety.*

SFA: *Promote sustainable management and enhancement of the Town of Palm Beach's outstanding parks and natural environment through conservation and environmental protection.*

Outcome: *Biodiversity including its coastal, marine, terrestrial and water ecosystems is protected and restored through environmental awareness education, promoting healthy landscape practices, encouraging use of native fauna and flora, and reducing use of chemical pesticides.*

Strategic Focus Areas



SFA: *Preserve and honor our unique community, rich history, and architectural character.*

Outcome: *Overcrowding is safeguarded against. Traditional and well-established land use standards and best practices are upheld. A focus on urban planning and zoning is created with a consideration for charm, appeal and long-term resilience and protection of our values.*

SFA: *Actively engage with federal, state, and local governments and agencies to protect home rule in the Town of Palm Beach.*

Outcome: *Available resources, including collaboration with other agencies and engagement in coalitions, that help us protect the right to self-govern, craft ordinances, and make decisions based on our community's needs are encouraged, utilized, and prioritized.*

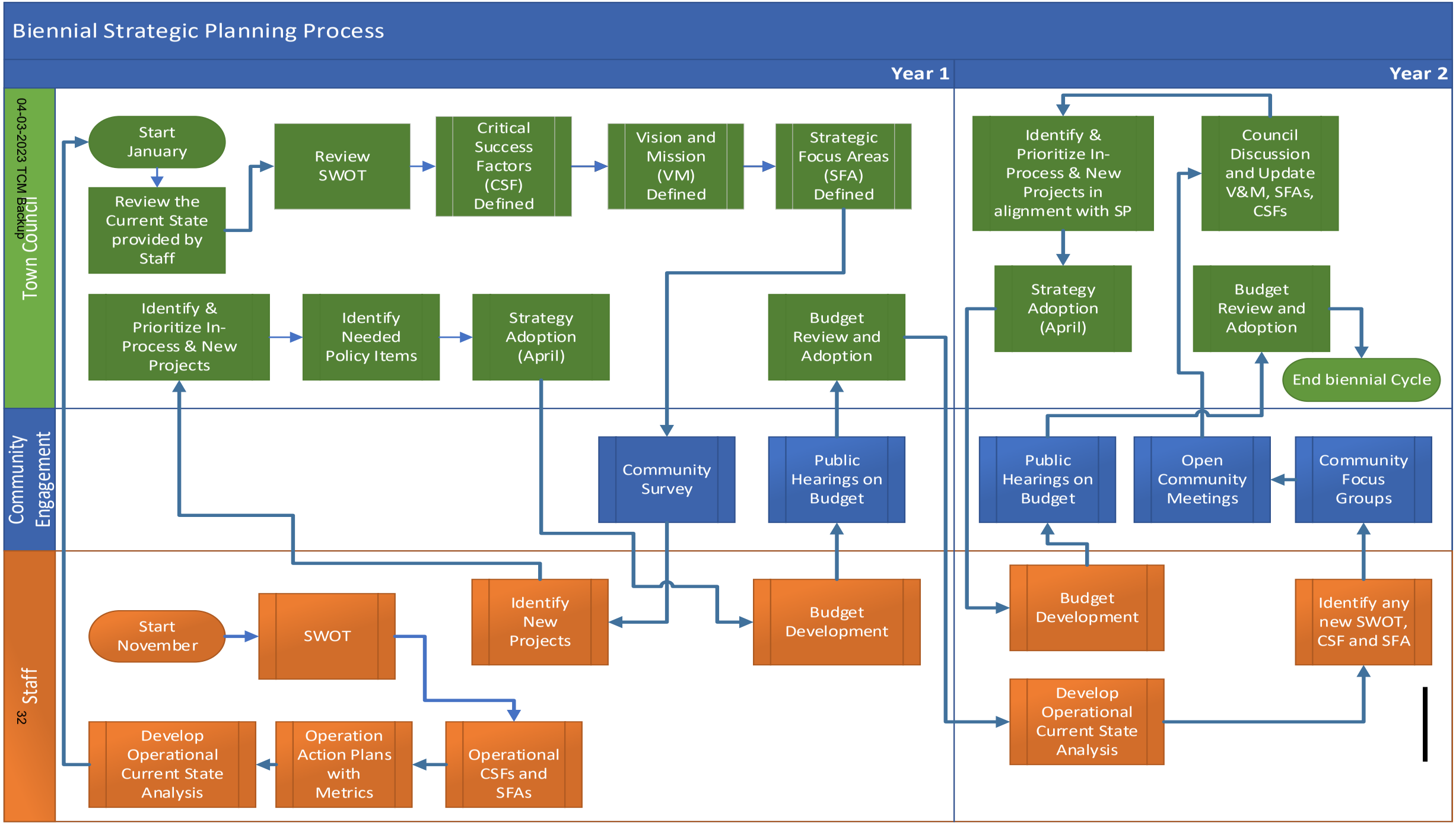
SFA: *Provide reliable and sustainable management of drinking water, wastewater, and storm water.*

Outcome: *The Town's drinking water is of high quality and healthy. It is abundant and readily available. The infrastructure is reliable, sustainable, well maintained and meets current and future needs. Water resources, including waste and storm water, are managed in an environmentally friendly and sustainable way.*

Recommendations



1. Adopt a **Multi-year, ongoing Strategic Planning Process**
2. Review and **Adopt the Vision and Mission** statements
3. Adoption of broad **Strategic Objectives** that capture the essence of the Community Survey, SWOT, CSFs, and SFAs
4.
5. Identify **Metrics that Matter** for each Strategic Objective, Project and Initiative


Biennial Strategic Planning Process
Year 1
Year 2
Town Council
Community Engagement
Staff
04-03-2023 TCM Backup
32
Start January
Review the Current State provided by Staff
Review SWOT
Critical Success Factors (CSF) Defined
Vision and Mission (VM) Defined
Strategic Focus Areas (SFA) Defined
Identify & Prioritize In-Process & New Projects
Identify Needed Policy Items
Strategy Adoption (April)
Budget Review and Adoption
Community Survey
Public Hearings on Budget
Start November
SWOT
Identify New Projects
Budget Development
Develop Operational Current State Analysis
Operation Action Plans with Metrics
Operational CSFs and SFAs
Identify & Prioritize In-Process & New Projects in alignment with SP
Strategy Adoption (April)
Council Discussion and Update V&M, SFAs, CSFs
Budget Review and Adoption
End biennial Cycle
Public Hearings on Budget
Open Community Meetings
Community Focus Groups
Budget Development
Identify any new SWOT, CSF and SFA
Develop Operational Current State Analysis

Strategic Objectives for Your Consideration

Community Culture and Character	Environmental Stewardship	Mobility and Transportation	Safe and Resilient Community	Governmental Leadership and Innovation
CSF: Quality of Life		**CSF**: Quality of Life	**CSF:** Safe, Clean, On Demand Drinking Water	**CSF**: Collaborative Town Government
CSF: Preserve Community Culture and Character		**SFA**: *Control, regulate and stabilize on-island mobility including traffic, parking, and pedestrian thoroughfares.*	**SFA**: *Provide a framework for supporting the Town of Palm Beach before, during and after a natural or manmade disaster.*	**CSF**: Sound Fiscal Management
SFA: *Preserve and honor our unique community, rich history, and architectural character*			**SFA**: *Provide reliable and sustainable management of drinking water, wastewater, and storm water.*	**SFA**: *Actively engage with federal, state, and local governments and agencies to protect home rule in the Town of Palm Beach.*

Trainnovations, Moving Your Organization from Better to Brilliant, 2023

PALM BEACH Florida

Next Steps

Council Actions

- Review SPB inputs for creation of an actionable Town Strategic Plan
- Adopt a 10-year Vision for the Town
- Adopt a Mission statement as an execution strategy to achieve the Vision
- Consent on:
  - Strategic Objectives
  - Critical Success Factors and Strategic Focus Areas
  - Identify, with Staff, Key Action Items and Initiatives in alignment with Strategic Objectives, CSFs and SFAs
  - Identify and adopt funding and resource allocations for Action Items and Initiatives

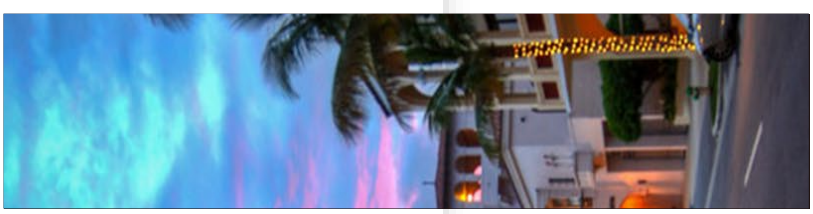


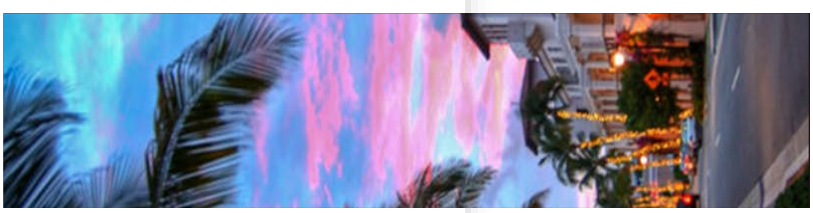

Thank you
for making a
DIFFERENCE



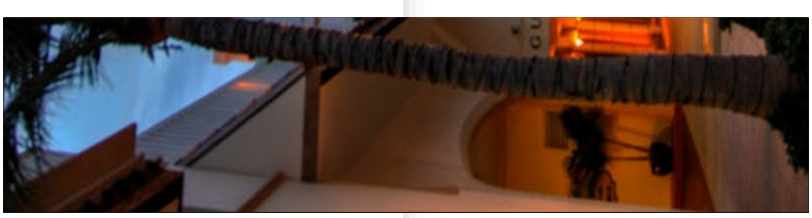
















Thank You!

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Code Enforcement Board

Presenter

Pat Gayle-Gordon, Deputy Town Clerk

ATTACHMENTS:

- **Memorandum Dated March 20, 2023, from Pat Gayle-Gordon, Deputy Town Clerk**
- **Attendance Record**
- **Status Sheet**
- **Sample Ballot**
- **Application - John B. McGowan**
- **Application - Charlot Taylor**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 4, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Deputy Town Clerk

RE: Code Enforcement Board Appointment of One Regular Member

DATE: March 20, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint one (1) regular member to the Code Enforcement Board. This member will fill the vacancy created due to the term expiration of John B. McGowan, Jr. Mr. McGowan is eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received one application seeking **REAPPOINTMENT** from John B. McGowan, Jr., 210 Esplanade Way, Palm Beach, FL.

The Town Clerk's office has received one (1) application seeking **NEW APPOINTMENT** from Charlot Taylor, 2165 Ibis Isle Road, Apt. 1, Palm Beach, FL.

Attachments

cc: Ben Alma, Support Services Manager

Code Enforcement Board Attendance Record 2023

Member	1/19	2/16	3/16	4/20	5/18	6/15	7/20	8/17	9/14	10/19	11/16	12/21
Bram Majtlis		*(Regular Member 4/2019 - Term 1, re-elected 4/2022 2nd term)*										
	P	**P**	**P**									
John B. McGowan Jr.		(Regular Member as of 8/2022)										
	P	**P**	**E**									
Linda K. Wartow		*(Regular Member as of 04/2018, Alternate 02/2018 - 04/2018)*										
	P	**P**	**P**									
Martin Klein		*(Regular Member as of 1/2021)*										
	P	**P**	**P**									
Scotch Peloso		(Regular Member as of 4/2021)										
	P	**P**	**P**									
Chris Larmoyeux		((Regular Member as of 4/2021)										
	P	**P**	**P**									
Pamela Saba		*(Regulary Member as of 4/ 2022 Alternate Member as of 4/2020)*										
	P	**P**	**P**									
Harris Fried		(Alternate Member as of 8/2022)										
	P	**P**	**P**									
Pamela Davies			(Alternate Member as of 8/2022)									
	P	**E**	**P**									

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

Status Sheet

CODE ENFORCEMENT BOARD

Next appointment: **April 3, 2023, Town Council meeting**

Openings advertised via news release: **January 19, 2023**

Deadline to submit applications: **Friday, March 17, 2023, by 5:00 p.m.**

Number of openings: **1 Regular Member**

Applicants

NAME	SEEKING
John McGowan	Reappointment
Charlot Taylor	New Appointment

Current members and open seats

NAME	TERM EXPIRES
Regular Members	
Bram Majtlis, Chair	April 1, 2025
Scotch Peloso, Vice Chair	April 1, 2024
John B. McGowan	April 1, 2023
Linda K. Wartow	April 1, 2024
Martin I. Klein	April 1, 2026
Pamela Saba	April 1, 2025
Chris Larmoyeux	April 1, 2024
Alternate Members	
Pamela Davies	May 1, 2025
Harris Fried	March 1, 2025

Highlighted in yellow=term currently expiring/vacant
**=Applied for promotion to regular member

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S) TO THE CODE ENFORCEMENT BOARD
Town Council Meeting on **April 3, 2023**

Position(s) to be filled: **1** **Regular Member**

Please circle (1) from the list of names appearing below.

Regular Member Applying for Reappointment:

John McGowan

Others who Have Submitted Applications:

Charlot Taylor

SAMPLE

Signature of Town Council Member: _____

Town Council Member

Received 2/28/23

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: JOHN B. McGOWAN, JR. Residence Address: 210 ESPLANADE WAY, PB 33480

Mailing Address: 210 ESPLANADE WAY, PB Home Telephone: 561.444.2375

E-mail Address: john@mcgowangrp.com Work Telephone: 610.585.2701

I am a resident of the Town of Palm Beach JBM (please initial) KMC verified

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)

Please see exhibit A

2. How many meetings of the Code Enforcement Board have you attended in the last year? 11

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

I currently serve as a voting member of the Code Enforcement Board. Original Appointment was as an Alternate Member on March 17, 2022. Became a voting member in August 2022. Have Attended 11 meetings, Missed 1.

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

I will make myself available whenever necessary.

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

I Am a current voting member of the Code Enforcement Board. Please Also see Exhibit A.

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. Private Investor No. of years. 8

Employer. Retired

U.S. House of Representatives - Congressional Staff Assistant - 5 years

8. Past occupation(s). Manufacturing Business Owner - CEO No. of years. 37

U.S. House of Representatives - Congressman Richard T. Schulze (PA)

Employer(s). Gas Breaker, Inc. & Jaeco Fluid Systems, Inc., The Thistle Group, 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
- ☐ Landscape Architecture/Design
- ☒ Law — Course in U.S. Constitutional Law
- ☐ Building Construction
- ☐ Municipal Planning
- ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

Graduate, The George Washington University, 1978

Bachelors Degree, Public Administration

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

Please see exhibits A & B

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
Stephanie McGowan	Wife	216 Espinarde Way Palm Beach, FL	Retired	Gas Breaker, Inc.

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: February 28, 2023

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.

EXHIBIT A

Application of **John B. McGowan, Jr.** for service on The Code Enforcement Board of The Town of Palm Beach Florida

February 28, 2023

1.) The Town of Palm Beach enjoys a nationwide reputation for being one of the most beautiful, well-organized, and orderly communities in the United States. The Town's reputation has been achieved through the adoption of a well thought out municipal code of rules and regulations that provide for the quiet enjoyment of all the residents. It is essential that these rules and regulations be followed by all the residents to ensure a peaceful, orderly, and tranquil environment. The Code Enforcement Board provides the citizens with a forum to seek a fair hearing to adjudicate any conflicts related to the enforcement of these codes and regulations. I am dedicated to maintaining this environment in the Town of Palm Beach which is my principal reason for wishing to serve as a member of The Code Enforcement Board.

5.) In the 1980's I was the first Chairman of the **Code Enforcement Board** of our 168-unit condominium community, Mountain View, in suburban Philadelphia. My commitment to the strict enforcement of the condominium documents rules and regulations led to my being elected as the first President of the condominium Board of Directors.

11.) Early in my career, I worked as a Staff Assistant to a United States Congressman, in Washington, D.C. and, in this position, was a Case Worker resolving constituent disputes with a variety of Departments and Agencies within the Federal government including the IRS, the Social Security Administration, The Veterans Administration and the Defense Department.

As the Chief Executive Officer of a mid-sized company, for more than 37 years, it was often my responsibility to be the ultimate arbiter in resolving employee conflicts and to enforce all corporate policies, rules, and regulations.

EXHIBIT B

BIOGRAPHY OF JOHN B. MCGOWAN, JR.

Former Chairman & CEO, The Thistle Group, Inc.

John Black McGowan, Jr. was born in Bryn Mawr, Pennsylvania, USA on November 3, 1956. He was graduated from the Great Valley High School, Malvern, Pennsylvania in 1974 and the George Washington University, Washington, D.C. in 1978. He holds a Bachelor of Public Administration (BPA) degree from the Elliott School of International Affairs.

He was associated with the natural gas and fluid process industries for more than 37 years. Mr. McGowan holds several US patents related to safety shut-off gas valve technology known as Excess Flow Valves (EFVs).

Mr. McGowan is the former Chairman and Chief Executive Officer of The Thistle Group, Inc. which was the holding company for Gas Breaker, Incorporated, a family-owned manufacturing concern. The Thistle Group also owned JAECO Fluid Systems, Inc. a manufacturer of pumps and valves used in the fluid process and agricultural irrigation industries.

In 1975, Gas Breaker developed the first commercially successful excess flow valve for use in the natural gas distribution utility industry. Gas Breaker is the dominate manufacturer of excess flow valves in North America with a market penetration of more than 70%.

Mr. McGowan served on several industry Technical Standards Committees for the American National Standards Institute (ANSI), The American Society for Testing Materials (ASTM), The American Gas Association (AGA) and the American Society of Mechanical Engineers (ASME).

Mr. McGowan was the Chairman of the Natural Gas Valve and Fittings Committee (501), of the Manufacturers Standardization Society of the Valve and Fittings Industry (MSS) for 22 years. In 1995, under his leadership, MSS created the first Standard (MSS SP-115) for Natural Gas Excess Flow Valves in the United States, setting the benchmark which has been followed by several other United States standards organizations and was ultimately adopted as the model for a US government regulation that took effect in 2006.

He is the past President of The Society of Gas Lighting in New York City – a group founded in 1875 and composed of gas industry CEO's and Senior Executives involved in the production, pipeline transportation and utility distribution segments of the natural gas industry.

He has received two Distinguished Service Awards from the American Gas Association (AGA) in Washington, D.C. for his contributions to the technical operating committees of the AGA.

In 2015, Mr. McGowan orchestrated the sale of Gas Breaker to the Hubbell Corporation a publicly traded multinational Fortune 500 company.

From 1974 until 1978, Mr. McGowan was employed by the United States House of Representatives in Washington, D.C. as a Staff Assistant and Caseworker to Congressman Richard T. Schulze (retired) of Pennsylvania. In this position he served as the liaison on numerous Department of Defense projects which were being executed in the Congressional District. Mr. McGowan also handled constituent casework which required resolving disputes between government agencies and the public. These issues involved the IRS, Social Security and the Departments of Labor and Justice among others.

In 1985, Mr. McGowan was the first Chairman of the Dispute Resolution Board for the Mountainview Condominium Association in Wayne, Pennsylvania. This Board enforced the rules and regulations related to the operation of the 168-unit condominium complex. He was elected as the first President of the Association in 1986 and served in this capacity until 1987 when he sold the residence and was obligated to resign his position.

In 2005 Mr. McGowan was part of an investor group that raised $30 million to create Penn Liberty Bank, now part of WSFS Bank, headquartered in Wilmington, Delaware. At the time, this was the largest capitalization raise for any start-up bank in the history of Pennsylvania. The group raised an additional $14 million the following year. Penn Liberty was sold to WSFS bank in August 2016 for $101 million realizing a 1.97 times book value ROI for its investors.

Mr. McGowan was an elected Committeeman in Chester County Pennsylvania where he served for 6 years from 2008 through 2014.

Mr. McGowan served for 10 years on the Government Affairs Committee of the Chester County Pennsylvania Chamber of Business and Industry and has also served on the Board of Directors of the organization.

Mr. McGowan is a past President of the St. Andrews Society of Philadelphia, a Scottish philanthropic society founded in 1747 which provides academic scholarships to US college students to study in Scotland.

Mr. McGowan served on the Board of Directors of the Community Volunteers in Medicine (CVIM) located in West Chester, Pennsylvania. CVIM is a private health clinic which annually provides more than 7 million dollars of medical and dental services to the working poor in Chester County Pennsylvania.

Mr. McGowan was appointed to the Town of Palm Beach Underground Utility Task Force in May 2020 and served until being appointed to the Town of Palm Beach Code Enforcement Board.

Mr. McGowan was appointed to the Town of Palm Beach Code Enforcement Board in March 2022 as an Alternate Member and then was appointed as a voting member on August 9, 2022, to fulfill an unexpired term of a voting member, Daniel McDonnell, who resigned.

Mr. McGowan was also active in Pennsylvania fundraising for of the Chester County Council, Boy Scouts of America, the Upper Main Line YMCA, and The Community Coalition.

Mr. McGowan retired in 2017 and is now a private investor He is a member of numerous social clubs and organizations in Palm Beach County, Suburban Philadelphia Pennsylvania, Easton, Maryland, and New York City. He enjoys sailing, boating, target shooting, and golf. He, and his wife, Stephanie, reside in the North End of the Town of Palm Beach, Florida.

Application for Service

Profile

Charlot (First Name) | M. (Middle Initial) | Taylor (Last Name)

2165 Ibis Isle Road, Apt 1 (Home Address) | (Suite or Apt)

Palm Beach (City) | FL (State) | 33480 (Postal Code)

4.wildibis@gmail.com (Email Address)

Home: (631) 357-0168 (Primary Phone) | Home: (631) 357-0168 (Alternate Phone)

Question applies to multiple boards

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

CT

Question applies to multiple boards

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

Question applies to multiple boards

Verified - kmc

Please upload proof of residency

Which Boards would you like to apply for?

Code Enforcement Board: Submitted

In what area of town do you live?

☑ South

Interests/Experience

Question applies to Code Enforcement Board

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

I am interested in serving because equal enforcement of sensible regulations is important to a just system.

Question applies to Code Enforcement Board

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

None. But I have knowledge of the department and it's duties.

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

I am available from December through May. I may travel or visit a property on Long Island during the summer months.

Question applies to multiple boards

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

None.

Question applies to Code Enforcement Board

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

Yes. Two issues in Palm Beach: a rearrangement of patio blocks which was okayed by Rachel Houston et al, and song bird feeding. Also through ownership of historic Lake Avenue property in Lake Worth consisting of 2 commercial stores, one a men's clothing store and the second a hair salon. It is an historic property over 100 years old, beautiful, now an extinct wood, Dade County pine flooring and structure.

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

- ☑ Palm Beach Civic Association
- ☑ Citizens' Association of Palm Beach

Present Occupation

Mostly retired.

No. of years

Past occupation(s)

*Real estate Broker. *Homeowners' Assn Pres, 14 years, eastern L.I. * Public Service Director at KRTV. * SF Eye Hospital, Patient & Community Relations Director, incl First World Microsurgery Congress.

No. of years

Varied.

Please provide details regarding your educational background:

*Stoneleigh Prospect Hill School for Girls, Greenfield, Mass. Graduated w History and Government honors. *George Washington University, Political Science major. *Long Island University, Southampton *U. of California, Sonoma Campus, Anthropology Major. *Graduated L.I.U., Southampton Campus, graduated w Honors, Magna cum Laude, B.A.

Question applies to Landmarks Preservation Commission,Code Enforcement Board

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) *

- [x] Architecture
- [x] Landscape/Architecture Design
- [x] Building Construction

Upload a Resume

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

○ Yes ◉ No

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

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

- [x] I Agree

Question applies to Code Enforcement Board

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

Due to my interest in zoning, open spaces, security, water quality, flooding, quality of life, fairness, Justice, historic preservation, equality in application of laws, respect for property rights as well as governmental regulations, environmental conservation and business interest, I be would like to serve on this committee. It's a well Balanced community in these varied respects that creates a welcoming and respectful community which in turn attracts people of substance. As a property owner in East Hampton, New York, this 17th century village on the ocean holds high historic character and preservation. I am familiar with the issues. I am familiar with architecture and construction issues. My community (formerly a 130 acre farm) had an architectural review committee and I was a member of that committee for over 10 years, President of the Property Owners Assn for 14 years, I built my own house there in 1990.

Question applies to multiple boards

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

◉ Yes ○ No

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

None.

Demographics

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

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Female

Physically Disabled

○ Yes ◉ No

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

☑ I Agree

Question applies to Code Enforcement Board

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

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

CODE ENFORCEMENT BOARD

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

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Recreation Advisory Commission

Presenter

Pat Gayle-Gordon, Deputy Town Clerk

ATTACHMENTS:

- **Memorandum Dated March 20, 2023, from Pat Gayle-Gordon, Deputy Town Clerk**
- **Attendance Record**
- **Status Sheet**
- **Sample Ballot**
- **Application - David N. Missner**
- **Application - Devon Roush**

TOWN OF PALM BEACH

Information for Town Council Meeting on April 4, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Deputy Town Clerk

RE: Recreation Advisory Commission Appointment of Two Regular Members

DATE: March 20, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint two (2) regular members to the Recreation Advisory Commission. These members will fill the vacancies created due to the term expirations of Nicholas Coniglio and David S. Missner. Mr. Missner is eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received one application seeking **REAPPOINTMENT** from David S. Missner, 400 South Ocean Blvd., Palm Beach, FL.

The Town Clerk's office has received one (1) application seeking **NEW APPOINTMENT** from Devon Roush, 201 Via Linda, Palm Beach, FL.

Attachments

cc: Mark Bresnahan, Director of Recreation

Commissioners Name	3/4/'20	6/3/'20	9/24/'20	12/3/'20	2/25/'21	5/5/'21	9/23/'21	12/16/'21	2/24/2022	5/12/2022	10/6/2022	1/26/2023
Nicholas Coniglio	x	x	x	x	x	x	x	x	x	x	x	x
John Hartz												
Ellen Howe	x	x	AB	x	x							
Pamela McIver	x	x	x	x	x	x	x	x	x			
Alexandra Woodfield	x	x	x	x	x							
Leslie Wytrzes	x	x	x	x	x	x	x	x	x			
Carla Termini Cove	x											
Amy Bahl	x	x	x	x								
Grier Pressly	x	x	AB	x	x	x	x	x	E	x	x	x
Kristen Schonwald-Vila	x	x	x	x	AB	x	x	x	x	x		
Peter Harris	x	x	x	x	x	x	x	AB	x	x	UAB	x
Millie Dayton										x	x	x
Susan Watts						x	x	x	x	x	x	x
Henry "Budge" Jamison										x	x	x
David Missner											UAB	x

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

RECREATION ADVISORY COMMISSION (RAC)

Next Appointment: **April 3, 2023, Town Council meeting**

Openings advertised via news release: **January 17, 2023**

Deadline to submit applications: **Friday, March 17, 2023, by 5:00 p.m.**

Number of openings: **2 regular members**

Applicants

NAME	SEEKING
Devon Roush	New Appointment
David N. Missner	Reappointment

Current members and open seats

NAME	TERM EXPIRES
Regular Members	
Nicholas Coniglio, Chair**	April 2023
Grier Pressly, Vice Chair	April 2025
Millie Dayton	April 2025
Henry "Budge" Jamison	April 2025
David N. Missner	April 2023
Peter Harris	April 2024
Susan Watts	April 2024

Highlighted in yellow=term currently expiring/vacant
*=Applied for reappointment
**=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBER(S) TO THE RECREATION ADVISORY COMMISSION
Town Council Meeting on **April 3, 2023**

Position(s) to be filled: **2** **Regular Member**

Please circle (1) from the list of names appearing below.

Regular Member Applying for Reappointment:

David N. Missner

Others who Have Submitted Applications:

Devon Roush

SAMPLE

Signature of Town Council Member: _____

Town Council Member

Application for Service

Profile

David
First Name

N
Middle Initial

Missner
Last Name

400 South Ocean Blvd
Home Address

Suite or Apt

Palm Beach
City

FL
State

33480
Postal Code

mizzner@icloud.com
Email Address

Mobile: (847) 804-0483
Primary Phone

Alternate Phone

Question applies to multiple boards

I am a registered voter in the Town of Palm Beach (Initial below)

Yes

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) 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 required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards

Verified - KMC
Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Recreation Advisory Commission: Submitted

In what area of town do you live?

☑ South

Interests/Experience

Question applies to Recreation Advisory Commission

Why do you wish to be appointed as a member of the Recreation Advisory Commission?

I am a lifelong tennis player. I am a lawyer for over 55 years and think I can use my abilities to promote sports in Palm Beach I am also a present member of the Recreational Advisory Commission and wish to be reappointed to that position.

Question applies to Recreation Advisory Commission

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

☑ 1

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

I am a Florida resident and am in Palm Beach 8 months of the year. Would be available the other four months on zoom.

Question applies to multiple boards

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

None

Question applies to Recreation Advisory Commission

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

Other than playing tennis and assisting Dan Minic with his proposal to be head professional, none

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

☑ Palm Beach Civic Association

Present Occupation

Attorney

No. of years

55 years

Past occupation(s)

Attorney all of my professional life

No. of years

55

Please provide details regarding your educational background:

BA from Miami University (Ohio) in 1963. JD from Northwestern University School of Law in 1966.

Upload a Resume

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

○ Yes ◉ No

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

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

☑ I Agree

David N Missner

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

Only my wife, Barbara Fosco

Demographics

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

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Male

Physically Disabled

○ Yes ◉ No

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

☑ I Agree

Question applies to Recreation Advisory Commission

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 the 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 three (3) times per year. 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.

David N. Missner
Professional Qualifications

For over 50 years, Mr. Missner has been one of the most influential and well-respected bankruptcy lawyers in Chicago where he provided legal services to debtors, creditor committees, financial institutions, underperforming and distressed companies, and facilitated sales, mergers and acquisitions.

Prior to working with DSI, Mr. Missner was a senior financial consultant for 11 years at Rally Capital Services. Prior to that, for 19 years, he was the Chairman of the Bankruptcy and Reorganization Department at DLA Piper's Chicago office. From 1968 to 1989, he was a Managing Partner at Schwartz, Cooper, Kolb and Gaynor, one of the two premier bankruptcy firms at the time in Chicago. Mr. Missner started his career at Region 21 of the National Labor Relations Board in Los Angeles, California.

Mr. Missner served as a Captain in the United States Army Reserve for six years in the Judge Advocate General Corps. He received a J.D. in 1966 from Northwestern University School of Law and a B.A. in 1963 from Miami University in Oxford, Ohio.

Representative Matters

- Represented National Steel Corporation in its sale to U.S. Steel for more than $1 billion.
- Represented Roger Penske and Penske Auto Centers in connection with the Kmart Chapter 11 proceedings, saving the client $100 million.
- Served as counsel to numerous debtors, including Wieboldt Stores, Inc. and Gaslight Clubs, Inc.
- Represented numerous financial institutions on various loan workouts over a period of 50 years.
- Represented Irwin Jacobs in connection with the purchase of the Outboard Marine assets.
- Represented various companies in their sale of assets or mergers.

Courts and Forums

- Member of the State Bar in Illinois
- U.S. District Court, Northern District of Illinois
- Trial Bar, U.S. District, Northern District of Illinois
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals, Seventh Circuit
- U.S. Supreme Court

Application for Service

Profile

Devon (First Name) | J (Middle Initial) | Roush (Last Name)

201 Via Linda (Home Address) | (Suite or Apt)

Palm Beach (City) | FL (State) | 33480 (Postal Code)

devonjulia@gmail.com (Email Address)

Mobile: (561) 785-6060 (Primary Phone) | (Alternate Phone)

Question applies to multiple boards

I am a registered voter in the Town of Palm Beach (Initial below)

DJR

Question applies to multiple boards

Appointment to the Architectural Commission (ARCOM), Landmarks Preservation Commission, Planning and Zoning Commission, Recreation Advisory Commission, & Underground Utilities Task Force (UUTF) 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 required copy of the voter registration card shall be grounds for rejection of the application.

Question applies to multiple boards

Verified by PGG

Upload a Voter Registration Card (Front)

Question applies to multiple boards

Upload a Voter Registration Card (Back)

Which Boards would you like to apply for?

Recreation Advisory Commission: Submitted

In what area of town do you live?

☑ North

Interests/Experience

Question applies to Recreation Advisory Commission

Why do you wish to be appointed as a member of the Recreation Advisory Commission?

I wish to be appointed a member of the Recreation Advisory Commission because I am deeply immersed in the daily life of the Rec Center, from the park to organized sports and classes to team tennis. My family and I spend a tremendous amount of our free time at the Rec Center.

Question applies to Recreation Advisory Commission

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

☑ 0

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

I am a year-round Palm Beach resident and am highly flexible.

Question applies to multiple boards

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

I am currently on the Tennis Committee at The Beach Club and the Pool & Cabana Committee at The Beach Club. I am an active member of the Council of 100 Police & Fire Foundation.

Question applies to Recreation Advisory Commission

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

My 5-year-old son participates on the Perseverance Little Hoopsters basketball program. My 2-year-old daughter attends Moving and Grooving the Rec Center and loves the park dearly. My 6-year-old daughter participated in both Story Time Soccer and youth tennis clinics and is now currently taking gymnastics on Mondays. I take two tennis lessons a week with Armond. I am currently on the Seaview tennis league.

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

☑ Other

Present Occupation

Magazine writer

No. of years

10

Past occupation(s)

Copywriter and proofreader for Luxe Interiors + Design

No. of years

7

Please provide details regarding your educational background:

University of Florida Bachelor of Science, Journalism

Devon_Roush.docx
Upload a Resume

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

○ Yes ◉ No

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

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

☑ I Agree

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

My husband and children live in Palm Beach, but there are no familial ties to the Town of Palm Beach.

Demographics

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

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Female

Physically Disabled

○ Yes ◉ No

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

☑ I Agree

Question applies to Recreation Advisory Commission

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The Recreation Advisory Commission meets three (3) times per year. 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.

DEVON ROUSH



DEVONJULIA@GMAIL.COM



772-204-5938

SKILLS + ATTRIBUTES

Highly energetic

Advanced research skills

Mother of three young children with a penchant for efficiency and organization

Dedicated tennis player and sports enthusiast

Animal and nature advocate

EXPERIENCE

LUXE INTERIORS + DESIGN MAGAZINE

2012 - Present

Writer for design magazine based in New York and Boca Raton. Formerly full-time, I now work as a freelance writer for the publication. Writing content covers all facets of the residential design industry, including architecture, landscape architecture, interior design and home building.

COTTON & COMPANY

2006 - 2012

Advertising writer, editor and proofreader for a real estate-based marketing firm.

EDUCATION

BACHELOR OF SCIENCE, JOURNALISM

University of Florida

TOWN OF PALM BEACH
Town Council Meeting on: April 3, 2023

Section of Agenda
Minutes

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

a. March 14, 2023, Town Council Meeting Minutes
b. March 15, 2023, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- **Minutes of the Town Council Meeting of March 14, 2023**
- **Minutes of the Town Council Development Review Meeting of March 15, 2023**

TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 14, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of March 14, 2023, was called to order on Tuesday, March 16, 2023, at 9:30 a.m. in the Town Council Chambers. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following modification was made to the agenda:

Item Nos. VII, VIII, IX and X were moved and heard after item no. IV.

IV. APPROVAL OF AGENDA

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

Please note: Item Nos. VII, VIII, IX were heard out of order.

V. PRESENTATIONS

A. Presentation by Raphael Clemente, Executive Director, West Palm Beach Downtown Development Authority

Mr. Clemente presented background information on the Circuit Program. He explained how the program works and spoke regarding a potential partnership with the Town of Palm Beach in order to reduce traffic entering the Island. Alex Esposito, CEO of the Circuit program, provided data on ridership in the program.

Town Manager Blouin spoke regarding other items that will be the focus during the budget for traffic mitigation and posed questions on the Circuit program. Mr. Clemente responded.

Council Member Crampton spoke in support of exploring the partnership in order to reduce the number of cars that are parking on the island, especially those of restaurant/retail workers.

Council President Pro Tem Lindsay inquired about the hours for service and further information on the trips that were reported. Mr. Clemente and Mr. Esposito responded.

Mayor Moore spoke in support of the drivers being employees of Circuit and not private contractors, like Uber drivers.

Council Member Cooney inquired about mobility or impact fees, to which Mr. Clemente responded.

Council Member Araskog asked how far Circuit travels and where riders are picked up, to which Mr. Clemente responded. She spoke in support of a pilot program. She spoke regarding the advertising on the Circuit vehicles. Mr. Esposito responded.

Council President Zeidman expressed concern over the timing for the survey in order to ensure that the data is accurate. Mr. Blouin spoke in support of this item being considered during the budget process.

Council Member Araskog spoke in support of gathering the data at this time, prior to the end of season, and then the rest of the item being approved during the budget process. Public Works Director Paul Brazil spoke regarding the parking and traffic study being gathered by the Corradino Group. Discussion ensued regarding data that has already been collected by the West Palm Beach Downtown Development Authority.

Mr. Blouin inquired about where Town employees would park to use the service, to which Mr. Esposito responded.

Council President Pro Tem Lindsay spoke regarding the average age of the riders and understanding the importance of that information.

Council President Zeidman expressed concern over the timing and inquired about whether a survey would be effective at this time since we only had a few more weeks “in season.” Mr. Clemente responded.

Council Member Araskog expressed concern over the timing of a survey at this time.

Public Comment:

Anne Fairfax, 455 Worth Avenue, spoke in support of the Circuit program and stated that she uses it frequently. She stated that she feels that they need more vehicles to meet the demands of increased ridership from the City of West Palm Beach.

Dragana Connaughton, 267 Merrain Road, spoke in support of the Town performing this service for its employees and expressed concern that the Circuit program would be used for tourists to come to the beach.

Dan Floersheimer, Palm Beach, spoke in support of the service and inquired about how many vehicles would be on the road at the same time.

Susan Gary, 229 Onondaga Avenue, spoke in support of the proposed service.

Discussion ensued regarding the timing of the survey and what it would entail and whether it was worth the cost.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to direct the West Palm Beach Downtown Development Authority to conduct the six-week survey regarding use of Circuit by Town residents; the Town will contribute $30K and staff will engage in discussion with the Palm Beach Chamber of Commerce. On roll call, the Motion passed 3-2, with Council Member Araskog and Council President Pro Tem Lindsay dissenting.

Please note: The Council heard Item XI. at this time.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

Please note: A recess was taken at 11:00 a.m. and the meeting reconvened at 11:15 a.m.

A. Presentations by the Applicants and Appointments to the Architectural Commission
Pat Gayle-Gordon, Deputy Town Clerk

The following applicants presented their applications to the Town Council:

Brian Brady
Katherine "KT" Catlin
Elizabeth Connaughton
Betsy Shiverick

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the appointments of Betsy Shiverick and Elizabeth Connaughton as

regular members and Katherine "KT" Catlin as an alternate member of the Architectural Commission. On roll call, the Motion passed unanimously.

B. Presentations by the Applicants and Appointments to the Landmarks Preservation Commission
Pat Gayle-Gordon, Deputy Town Clerk

The following applicants presented their applications to the Town Council:

Bradley van Hoek
Elizabeth Ailes
Jacqueline Albarran
Brian Brady
Daniel Clavijo
Dragana Connaughton
Julie Herzig Desnick
Anne Fairfax
Alexander Hufty Griswold
Alexander Ives
Pamelee Murphy
J. David Seay
Fernando Wong
Robert Wood

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to appoint Jacqueline Albarran, Anne Fairfax, Julie Herzig Desnick and Alexander Hufty Griswold as regular members and Fernando Wong and Alexander Ives as alternate members of the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

C. Presentations by the Applicants and Appointments to the Retirement Board of Trustees
Pat Gayle-Gordon, Deputy Town Clerk

Applicant Annette Geddes appeared and presented her application to the Town Council.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to appoint C. Edward Carter and David Lambert as resident members of the Retirement Board of Trustees. On roll call, the Motion passed 4-0 with Council Member Cooney absent.

Please note: The Council heard Item XIII.A.1 at this time.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed appreciation to those who participated in and assisted in the coordination of Design Palm Beach Week.

She presented a proclamation declaring March as "National Procurement Month" to Dean Mealy, Procurement and Contract Manager.

Mayor Moore provided an update on the Strategic Planning Board. She spoke regarding the Mayors' Employee Appreciation Fund and spoke regarding bringing back the Employee Appreciation Party that she hosts at her home in June.

She announced the March milestone: Peter Aguirre, Police Officer, 5 years of service.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay spoke regarding the Design Palm Beach events. She expressed appreciation for the work of Town staff and the contractors of the sand renourishment project at the north end of Town. In response to a question from Ms. Lindsay regarding the value of the sand that was used, Public Works Director Brazil responded.

Council Member Araskog expressed appreciation for the successful Design Palm Beach week. She expressed concern over motor scooters and electric bikes, especially regarding accidents with pedestrians. She expressed concern over how letters are received for agenda items and requested a discussion regarding improving the procedure. Town Manager Blouin stated that he will meet with staff on this item to discuss it.

Council President Zeidman expressed appreciation for the participants of the Design Palm Beach charettes and for the staff who coordinated and worked on the events. She spoke regarding the Mayor and Council's support of the residents. She acknowledged that the Town has changed over the years and that the Council is aware of resident concerns about traffic and development of the Island. She stated that the Council Members are residents and are obligated to make decisions for the good of the Town.

IX. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT PLEASE

No one indicated a desire to speak.

X. APPROVAL OF CONSENT AGENDA

The following change was made to the Consent Agenda:

1. PULLED FROM CONSENT: Item No. X.C.2. Agreement Regarding Dedication of Right-of-Way between the Society of the Four Arts, Inc. and the Town of Palm Beach was pulled and heard as Item No. XIII.A.1.

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

Please note: The Council heard Item VI. at this time.

A. MINUTES

1. Town Council Meeting Minutes
   Pat Gayle-Gordon, Deputy Town Clerk

   a. February 14, 2023, Town Council Meeting Minutes
   b. February 15, 2023, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of February 22, 2023
   Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 017-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-17 and Awarding a Purchase Order to Lite Maintenance Inc. for Seaview Tennis Court Lights and Light Poles in the Amount of $151,904.79 and Establishing a Project Budget of $167,000.
   Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 018-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2023-10 and Approving a Purchase Order for Invasive Plant Removal Phipps Ocean Park to Earth Balance Corporation in the Amount of $99,500 and Establishing a Project Budget of $109,450.
   Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 019-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Change Order to Kimley-Horn and Associates, Inc. in the amount of $16,900 for Construction Phase Services for the A-7 Pump Station.
   Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 020-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Designation of Integrated Fire and Security Solutions for Access Control to Town Facilities as a Single Source Provider and Award a Purchase Order to Complete the Retrofit to the Police Department Building and Central Fire in the Amount of $88,295.32 and Establishing a Project Budget in the Amount of $97,195.
   Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 021-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. to provide professional engineering services related to the improvements of the D-2 Stormwater Pump Station Outfall in the amount of $46,370 and Establishing a project budget in the amount of $50,000.
Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 022-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-16, and Awarding a Purchase Order for the A-4 Wastewater Pump Station Improvements to Hinterland Group, Inc. in the amount of $658,000 and Establishing a project budget in the amount of $756,700.
Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 023-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Chen Moore and Associates for the Phipps Ocean Park Lifeguard Building Renovation in the Amount of $55,240 for a Total Purchase Order Amount of $125,098.
Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 024-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Retroactive Change Order to TLC Diversified, Inc. in the Amount of $12,426.34 for the A-7 Pump Station Improvement Project.
Dean Mealy, Procurement and Contract Manager

C. OTHER

1. Request by the City of West Palm Beach for Town Sponsorship in the Amount of $12,000 for the City's 4th on Flagler Event
Kirk Blouin, Town Manager

2. Agreement Regarding Dedication of Right-of-Way between the Society of the Four Arts, Inc. and the Town of Palm Beach
John C. Randolph, Town Attorney

XI. BOARD/COMMISSION ANNUAL REPORT

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

Chair Patterson provided the report of the Landmarks Preservation Commission.

Council President Zeidman inquired about the absences on the Commission and spoke in support of canceling the August meeting. Ms. Patterson expressed support for canceling the August meeting.

Council Member Araskog stated that if the meeting schedule was changed, then an ordinance amendment would be required.

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

Please note: The Council heard Item VII. at this time.

XII. COMMITTEE REPORTS

A. Report of the Business and Administrative Committee Meeting Held on Thursday, March 2, 2023
Lew Crampton, Chair

Chair Crampton presented the report and explained the items for Council discussion and direction. He presented the following seven components of the proposed parking program:

- Pre-paid sticker program for residents
- ParkMobile installed in locations to be determined (potentially The Breakers southward). There will be no kiosks and all kiosks that currently exist will be removed.
- Investigate valet options on Worth Avenue and N. County Road
- Comprehensive signage program, to be reviewed by ARCOM
- Mobility connection with West Palm Beach (such as the Circuit Program)
- 30-minute free parking spaces scattered on Worth Avenue and N. County Road
- Investigate construction of a parking facility

Council President Pro Tem Lindsay expressed concern over moving forward too quickly with all of the areas and spoke in support of moving forward with some areas before others. She spoke in support of instituting the valet program prior to the end of season this year.

Chair Crampton discussed the timeline and the above-mentioned items. He spoke regarding upcoming community meetings that would elicit input from residents and businesses. Ms. Lindsay also expanded on several of the program components and spoke regarding the importance of properly managing the Town's parking inventory. She spoke regarding the potential for the Apollo lot to be developed and no longer available to be used for parking.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the March 2, 2023, Business and Administrative Committee meeting report. On roll call, the Motion passed unanimously.

Council Member Cooney expressed support for the proposed components but spoke regarding the importance of including the community before implementation. He spoke regarding the potential for needing to consistently review small issues that may arise after paid parking is put into place. He spoke in support of pursuing the parking structure option and spoke in support of Town Council reviewing the signage that's proposed. He also spoke regarding the issue of enforcing parking of valet companies.

Council Member Araskog spoke in support of waiting until the traffic and parking study is completed before implementing this program. She expressed concern over using the Circuit Program and the implementation of ParkMobile. She spoke in support of moving slowly on all aspects of implementation to ensure that all items have been considered.

Mayor Moore spoke in support of increasing funding for additional staff for parking enforcement. She spoke regarding the issue of businesses losing parking at the Apollo lot. She spoke regarding discussions that are occurring regarding a certain valet on Worth Avenue moving their parked cars to another street. She spoke in support of the work that has been done by the Committee.

Council President Zeidman spoke regarding the issue of inventory and spoke in support of finishing the study but looking into a parking structure at the same time. She spoke in support of moving forward with the pre-paid decal program for residents at this time and moving more slowly on the ParkMobile app due to the differences of each area in Town. She recommended location consistency for the 30-minute spots.

Mr. Crampton spoke regarding working with the Corradino Group on the parking and traffic study. He stated that they're looking at implementing the new program at the beginning of the Season later this year.

Ms. Lindsay spoke regarding the benefits of the ParkMobile app.

Ms. Araskog spoke regarding the importance of educating the public on all aspects and stated that she would prefer implementing it later in Season. She spoke regarding the potential of valets using resident stickers and an issue with traffic due to valets in certain areas.

President Zeidman spoke regarding increasing enforcement of valets. She stated that some valets were using the Publix parking lot instead of where they are permitted to park. Chief Caristo addressed the Police Department's response to the issue. Town Manager Blouin stated that staff will be looking at increased staffing for enforcement during the budget process.

Mayor Moore encouraged Council Members to report any violations from valet attendants that they witness.

Ms. Araskog spoke in support of increased enforcement of restaurant seating, as well. Mr. Blouin responded to her concerns.

President Zeidman stated that she does not feel that it's appropriate for police officers to enforce restaurant seating. She spoke regarding sending a letter to the restaurants to notify them of their approved number of seats. Mr. Blouin spoke regarding the use of officers for these types of matters.

Council Member Cooney stated that there is an issue of restaurants exceeding their seating capacity. Town Manager Blouin stated that this type of enforcement could be reviewed with the new staffing.

Please note: The Council heard Item XIII.B.1. at this time.

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. Agreement Regarding Dedication of Right-of-Way between the Society of the Four Arts, Inc. and the Town of Palm Beach
   John C. Randolph, Town Attorney

   Town Attorney Randolph provided background information on the item.

   Council Member Cooney spoke regarding plans that the Four Arts had discussed with him and requested clarification that this item does not pertain to those plans. Mr. Brazil and Mr. Randolph provided clarification on the proposed agreement. Discussion ensued on the easement.

   Council President Zeidman requested that Town Attorney Randolph speak with Mr. Oyer regarding the Council Members' concerns.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer Item No. XIII.A.1 until Mr. Oyer has had the opportunity to provide clarification on the agreement. On roll call, the Motion passed unanimously.

Please note: The Town Council recessed at 1:50 p.m. and reconvened at 2:20 p.m. The Council heard Item XII.A. at this time.

B. Old Business

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status
   H. Paul Brazil, P.E., Director of Public Works

Town Engineer, Patricia Strayer, presented the project update and explained the differences between what's occurring in the north phases and south phases.

Council President Pro Tem Lindsay expressed concern over the amount of spray paint and dye over the sidewalks in certain areas in Town and requested if there is a way to remove it. Ms. Strayer responded and explained the use for the markings. Town Manager Blouin provided additional information.

Ms. Strayer provided the construction contract budget. She reported that a grant application for which the Town applied was not successful. She explained the timeline for future phases.

2. Discussion Regarding Code Enforcement Liens against 226 and 287 Pendleton Avenue
John C. Randolph, Town Attorney

Due to the proximity of the subject properties to her home, Mayor Moore recused herself and left the dais.

Town Attorney Randolph provided background information on the item.

Council President Zeidman expressed concern over the low offer that had been made by the owners in light of the amount of time that this property has been in poor condition and the amount of money owed to the Town. While she would support a pre-suit mediation she wanted to be sure that the owner understood that another low ball offer to settle would be a waste of time.

Jackie Miller, representing the property owner, spoke regarding her client's intention to negotiate in good faith. She explained the reasoning behind the low offer that had been made before the Code Enforcement Board.

Ms. Lindsay inquired about what can be expected in mediation, to which Mr. Randolph and Ms. Miller responded. Mr. Randolph explained that the results would be coming back to Town Council for approval.

Council Member Araskog spoke in support of going to mediation.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to direct the Town Attorney to proceed to pre-suit mediation with the property owner's Attorney. On roll call, the Motion passed unanimously.

Discussion ensued regarding the Town Council representative at the mediation.

3. Update on Proposed Mooring Field by Riviera Beach
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil provided background information on the item. He presented the City of Riviera Beach's updated plans for a mooring field and explained staff's recommendation to oppose the proposal. Mr. Blouin provided additional information. In response to a question from Ms. Zeidman, Mr. Brazil and Mr. Blouin spoke regarding how the Town's objection can be submitted.

Mayor Moore spoke regarding continuing to object to the proposed mooring field.

Council Member Araskog inquired about the cost of an attorney. She mentioned maybe including an environmentalist to identify any potential environmental issues. She expressed concern over mailing out a letter from the Mayor prior to hiring the attorney. She spoke in support of notifying property owners who are adjacent to the area so they can also provide their opposition.

Council Member Cooney expressed concern that the City of Riviera Beach held a public meeting on this issue and didn't notify the Town. He inquired about if the Town could file for a permit for the mooring field, to which Mr. Blouin responded.

Mayor Moore spoke regarding previous discussions regarding the Town applying for a mooring field.

Council President Pro Tem Lindsay inquired about the dates for the comment period. Mr. Blouin spoke regarding the Town being ahead of the public comment period. Ms. Lindsay spoke regarding the Town applying for the permit. She expressed concern over mooring fields. And stated that while there are some environmental benefits to a mooring field they do not prevent derelict vessels. Mr. Blouin provided further information.

Council President Zeidman expressed concern over the mooring field being placed in our backyard by another municipality. She also stated that Riviera Beach held a meeting February 27 on the expansion of the mooring fields adjacent to our Town which our staff attended. She spoke in support of hiring an attorney to pre-empt Riviera Beach from creating a mooring field in our backyard.

Council Member Crampton spoke in opposition to the City's proposed mooring field.

<u>Public Comment</u>:

Bradford Gary, resident, 229 Onondaga Avenue, spoke regarding his experience in living in mooring fields and expressed concern over sanitation control problems in mooring fields.

The Town Council provided consensus for staff to move forward with hiring the attorney to oppose the proposed mooring field.

Council President Pro Tem Lindsay spoke in support of contacting the Save Our Inlet coalition to assist with objecting to the mooring field. Mr. Blouin spoke regarding working with other organizations on this issue.

4. RESOLUTION NO. 025-2023 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Approving A Change Order to Kimley-Horn and Associates Inc. in the Amount of $574,700 for the Water Feasibility Study, Post Study Support Services Proposal, Lake Worth Beach Distribution Improvement Route Study and Impact Analysis. *Dean Mealy, Procurement and Contract Manager*

Director Brazil provided background information on the item. He spoke regarding waiting on moving forward with this study until after discussions with potential partnering agencies have occurred. Town Manager Blouin provided additional information and spoke regarding hiring an attorney to undergo negotiations with the other agencies.

Council President Pro Tem Lindsay spoke in support of holding off on expanding on the study at this time until negotiations and discussions have occurred.

Council Member Crampton spoke in support of holding off on expanding on the study at this time.

Council President Zeidman spoke in support of waiting to do further study until after negotiations have occurred. She confirmed that the Council wants to use membrane technology and the Town wants to be a partner in a water authority rather than continue to be a customer. She spoke in support of hiring an attorney for negotiations.

Council Member Crampton provided background on the process for the EPA for regulating PFAS in water.

Ms. Araskog inquired about the attorney, to which Ms. Zeidman responded. Ms. Zeidman spoke regarding creating a water authority.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to defer Resolution No. 025-2023 until further notice. On roll call, the Motion passed unanimously.

C. New Business

1. Discussion Regarding Town Council Summer Meeting Schedule
Margaret A. Zeidman, Town Council President & John C. Randolph, Town Attorney

Council President Zeidman provided background information on the item. She spoke regarding the potential of cancelling the August Town Council meetings, and explained that if the Council concurred, then it would need to go to referendum.

Council Member Crampton stated that he doesn't believe it should go to referendum due to the cost and effort involved in putting a referendum on the ballot.

Council Member Cooney spoke in support of cancelling a meeting in the summer to allow staff to plan vacations and have a break, as well.

Mayor Moore stated that if the Town Council decided to go to referendum, then there could be additional items to include in the referendum.

Mr. Blouin stated that he feels that the community would support this change. He spoke regarding the potential of petitioning the Governor to change the law to allow for virtual meetings.

There was no action taken.

2. Request by the Rehabilitation Center for Children and Adults for Waiver of Limitation of Two Events per Twelve-Month Period for Charitable Solicitation Permits
Margaret A. Zeidman, Town Council President

Kelly Jacobs, representing the Rehabilitation Center for Children and Adults provided background information on the request.

Mayor Moore spoke in support of charitable organizations abiding by the Town's rules for two events per year. She spoke in support of this waiver.

Council Member Cooney requested clarification of the requirement, to which Ms. Moore responded.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the waiver of the two-event limit for the Rehabilitation Center for Children and Adults to hold their event on April 19, 2023. On roll call, the Motion passed unanimously.

3. Discussion Regarding Limiting Scooters, Electric Bikes and Other Such Devices on Sidewalks
Nicholas Caristo, Chief of Police

Chief Caristo provided background information on the item. Council President Zeidman requested clarification of the parameters of this ordinance, to which Chief Caristo responded.

Council Member Araskog expressed concern over accidents between individuals who are riding these vehicles and pedestrians.

Ms. Zeidman spoke in support of referring the item to ORS.

Council Member Cooney spoke regarding the potential for there being a problem with staffing for Lake Trail patrols.

Chief Caristo provided information on proactive patrols of the Lake Trail. He spoke regarding the complaints that the Department has received. Town Manager Blouin spoke regarding the difficulty of patrols being successful for this type of violation.

Council President Pro Tem Lindsay spoke in support of the signage on the Lake Trail being more specific and identifying all the types of vehicles that are prohibited. Mr. Blouin spoke regarding the signage.

Mayor Moore inquired about the segway tours, to which Chief Caristo and Town Manager Blouin responded.

The Town Council provided consensus to refer this item to ORS.

4. Review of a Stop Work Order Due to the Three-Strike Rule at 209 Phipps Plaza
Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman provided background information on the violations.

Pat Seagraves, architect for the project, presented information on the project. Roy Dunworth, President of Dunworth Construction, provided information on the violations and spoke regarding the reason why no appeal was filed. He apologized for the violations and reported that the project will be complete within 45 days.

Council Member Cooney commended Mr. Dunworth on the cleanliness and order of the site.

Council Member Araskog expressed concern that the contractor stated that the violations were de minimus.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to waive the third strike, lift the stop work order and grant the contractor the ability to apply for future permits. On roll call, the Motion passed unanimously.

XIV. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 134 of the Town Code Relative to On-Street Parking Permits

   ORDINANCE NO. 004-2023 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, Article X. On- Street Parking Permits, Division 2., Residential Districts at Section 134-2291. Findings; Section 134-2292. Definitions; Section 134- 2296. Issuance of Special Parking Permits Upon Application; Section 134-2298. Unlawful Acts and Section 134-2302. Revocation of Decal/Permit. Also Amending Division 3., Residential Districts Adjacent to Commercial Districts at Section 134-2327. Issuance; Section 134-2334. Unlawful Acts; And Section 134-2336; All Providing That Visitor/Service Permits May Not Be Abused, Providing A Definition of Abuse; And Providing for Revocation of Decal/Permit by Chief of Police for Violations; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
   Nicholas Caristo, Chief of Police

   Town Attorney Randolph read the title of the ordinance.

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

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to adopt Ordinance No. 004-2023 on Second Reading. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 134 of the Town Code Relative to Sleeping in Public Places

   ORDINANCE NO. 005-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Amending Chapter 70 Offenses, Section 70-9, Titled Sleeping, Camping in Public Places; Sleeping in Vehicle; Sitting or Lying Down Upon Publicly Owned Rights-of-Way; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
   Nicholas Caristo, Chief of Police

Town Attorney Randolph read the title of the ordinance.

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

Motion was made by Council Member Cooney and seconded by Council Member Crampton to adopt Ordinance No. 005-2023 on Second Reading. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend the Town's Budgets

   ORDINANCE NO. 001-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.
   Robert Miracle, Deputy Town Manager, Finance & Administration

   Town Attorney Randolph read the title of the ordinance.

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

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve Ordinance No. 001-2023 on First Reading. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 70 of the Town Code Relative to the Use of Public Fountains and Public Urination

   ORDINANCE NO. 006-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 70 Offenses Of The Town Code Of Ordinances By Adding A New Section 70-6, Prohibited Use Of Public Fountains, Hose Bibs, Sinks, And Showers And A New Section 70-7, Prohibition On Public Urination And Defecation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
   Nicholas Caristo, Chief of Police

   Town Attorney Randolph read the title of the ordinance.

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

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 006-2023 on First Reading. On roll call, the Motion passed unanimously.

XV. ANY OTHER MATTERS

None.

XVI. ADJOURNMENT

The Town Council Meeting of March 14, 2023, was adjourned at 5:40 PM without benefit of a Motion.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Pat Gayle-Gordon, Deputy Town Clerk

_____
Date

TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on March 15, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on March 15, 2023, at 9:31 a.m. On roll call, all elected officials were found to be present, with the exception of Council Member Araskog, who arrived at 10:24 a.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore asked the public to consider sending their comments on upcoming projects to the Town Council a week in advance, or at least by the weekend before the meeting so that council members have ample time to review the information.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton stated he appreciated all of the letters that he received; however, he affirmed that it was challenging to read them when they come in the night before a meeting. He acknowledged that staff would look for a more efficient way to handle public correspondence and comments.

Council President Zeidman thanked Mr. Bergman for the donuts provided to the Town Council. Council President Zeidman reviewed the three-time certain items on the agenda.

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

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning and Building, stated that there were no modifications to the printed agenda; all the items to be deferred were listed in the printed agenda.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the agenda as presented. Motion carried unanimously, 4-0.

VII. PRESENTATIONS

A. Code Review Update

TIME CERTAIN - 10:00 A.M.

Sean Suder, ZoneCo, provided an overview of the recently held townwide charettes. He showed a promotional video that included footage from the charrettes and outlined the schedule of future dates and activities. Additional material would be added to the video through the completion of the project. He said a post-charrette report would be presented to the Town Council in April.

Following the video, Mr. Suder said a charrette summary memo and final video will conclude Module II. He explained Module III – Codify and the steps that would take place.

Mr. Bergman thanked the staff and consultant teams who participated in the week of charettes. Mr. Bergman stated that the consultants would like to schedule a special meeting on April 12, 2023, where the consultants would present to the Town Council. With regard to the Corradino Group traffic and parking study, one component requested by the Mayor and Town Council was to study and review the valet operations at five restaurants. Mr. Bergman outlined the restaurants proposed to be studied. He said the first area of restaurants would be Worth Avenue. The second and third would be Sunset and Sunrise/Royal Poinciana Way/Bradley Place and County Road.

Council President Zeidman asked for confirmation that Joe Corradino would study the Sunset/Royal Poinciana Way, Bradley Place valets as well as the traffic and parking.

Mayor Moore wondered if the Meat Market should be included in the study of Bradley Place. Council President Zeidman asked that the Meat Market be studied on Thursday night.

Council President Zeidman complimented the Code Review team on their work and efforts. She thought the week was well done.

There was a consensus that a special meeting would be held on April 12, 2023, to receive a full update on the charrette process including recommendations on moving forward and areas of further study.

VIII. DEVELOPMENT REVIEWS

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

1. Old Business

a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural ReviewCommission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

b. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

c. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) —VARIANCES.** The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two- story building. The Landmarks Preservation Commission will perform design review

of the application. [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

d. **ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO) - VARIANCES** The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning district, and (3) to reduce the required front yard landscaped open space, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved this project at their February 22, 2023, meeting with the landscaping design to return for further review. Carried 5-2.]

Ex-parte communications were declared by Council Member Cooney, and Council President Pro Tem Lindsay.

Lida Cunningham Sease, McAlpine, presented the architectural plans for the proposed addition.

Director Bergman provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-22-129 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 before the issuance of any building permit for either, must provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. Motion carried unanimously, 4-0.

e. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely

screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

f. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) – VARIANCES**
The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new skylight. The Architectural Commission will perform design review of the application. [Town Council remanded this project back to the Architectural Review Commission for additional review.] [This project shall be deferred to the April 4, 2023, meeting pending review by the Architectural Review Commission at the March 29, 2023, meeting.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

g. **ZON-23-004 (ARC-22-244) 422 AUSTRALIAN AVE (COMBO) —VARIANCES.** The applicant, 422 Development Group LLC, has filed an application requesting the Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) for an equipment screening wall exceeding maximum allowed height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project at their February 22, 2023, meeting with additional components to return for further review. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney.

M. Timothy Hanlon, attorney for the owner, presented the zoning requests for the proposed modifications.

Mr. Bergman provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-23-004 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 4-0.

h. **ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) - VARIANCES** The applicant, 246 Everglade LLC, has filed an application requesting town council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 5-2] [The Architectural Review Commission approved this project without the proposed gate at the January 25, 2023, meeting. Carried 5- 2]

Ex-parte communications were declared by Council Member Cooney.

Dustin Mizell, Environment Design Group, presented the architectural plans for the proposed modifications. He outlined the zoning requests for two variances and explained the requests to the Town Council.

Jennifer Hofmeister-Drew, Planner III, provided staff comments. Staff noted that this was an open Code Enforcement case. A lot of the work had been done without proper permitting.

Mayor Moore asked if the gate had already been installed. Ms. Hofmeister-Drew responded. Mayor Moore wondered why the attorney did not research the property before making changes. She added that she struggled with cases where the work had already been completed. She stated rules had been put in place to protect the neighborhoods.

Council President Pro Tem Lindsay agreed with Mayor Moore. She asked about the grass joints in the rear of the property and wondered if the grass was synthetic. Mr. Mizell indicated it was and that it would be removed. Council President Pro Tem Lindsay reminded Mr. Mizell that artificial turf did not count in the open space calculations; she inquired how the calculation was determined. Mr. Mizell showed the Town Council the condition in which the property was purchased and how the calculations had improved after the property was purchased.

Council Member Araskog asked if the mechanical equipment had been moved by the owner. Mr. Mizell responded that the mechanical equipment remained in the location where it was placed in 1997. Council Member Araskog wondered if it could be moved closer to the owner's property. She wondered if more green space could be added in the rear of the property. Mr. Mizell responded. Council Member Araskog asked which owner installed the gate. Mr. Mizell responded it was the current owner. Council Member Araskog asked if approval of the pool equipment location could be conditioned upon the neighbors

not expressing any issues.

Town Attorney Randolph advised against providing approval of a variance, based on a condition.

John Pisano, owner of 246 Everglade Avenue, stated the changes he made to his property without approval were a result of miscommunication.

Council President Zeidman stated that the individuals hired by Mr. Pisano were making changes without knowledge of the code. They should have inquired about what would be allowed under the town code. She stated that in the end, the homeowners were responsible for the changes to their property.

Council Member Cooney inquired about the altered shape of the swimming pool and wanted to know when it was changed. Mr. Pisano responded. He stated that he would be attending a code hearing and whatever that board required of him, it was his intent to comply.

Mayor Moore stated that the pool contractor should have known that a permit would be required.

Council Member Araskog found it difficult to believe that the owner would not expect to need a permit to construct and install a gate. Council Member Araskog thought more grass was needed on the site and the artificial turf should be removed. She also had an issue with the location of the pool equipment but acknowledged it existed, and the neighbor approved of the location.

Mr. Mizell stated he would remove as much of the deck as possible to achieve 35% of the landscape open space calculation. Mr. Mizell asked Mr. Bergman what type of remedial inspection could be done on the unpermitted pool wall to ensure structural sufficiency. Mr. Bergman stated an engineer's letter of review would be required.

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

Motion made by Council Member Araskog and seconded by Council Member Crampton that Variance ZON-23-012, for the location of the pool equipment, shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met, and with the following conditions: all artificial turf must be removed, a letter from an engineering firm regarding the pool shall be submitted to the satisfaction of the Town's Building Department. Motion carried unanimously, 5-0.

It was confirmed by the applicant that he withdrew the variance for the landscape open space.

Please note: A short break was taken at 10:55 a.m. The meeting

resumed at 11:05 a.m.

i. **ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project at their February 22, 2023, meeting. Carried 7-0.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending an appeal.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

j. **ZON-23-014(ARC-22-243) 302 SEABREEZE AVE(COMBO) - SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

k. **ZON-23-016 86 MIDDLE ROAD—SPECIAL EXCEPTION AND SITE PLAN REVIEW** The applicant, Middle Road Holdings Trust (Guy Rabideau), has filed an application requesting Town Council review and approval for a Special Exception and Site Plan approval to permit a reduction in the required setback for the proposed gate and gatepost for a property located on a cul-de-sac. [The Town Council deferred this project to the March 15, 2023, meeting to allow for neighbors to reach a compromise.]

Ex-parte communications were declared by Mayor Moore.

David Klein attorney for the owner, presented the zoning requests for the proposed gate. He provided an overview of the project and indicated that all issues had been resolved with the neighbors.

Mr. Bergman provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Special Exception and Site Plan Review ZON-23-016, as said applications meet the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. Motion carried unanimously, 4-0.

l. **ZON-23-017 (COA-23-001) 1100 S OCEAN BLVD—MAR A LAGO (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Mar A Lago Inc., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to a private club Special Exception Use including the construction of a new one-story approximately 250 SF guardhouse guard house to an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the design with a revised landscape plan to have further review by the National Trust and return to the Commission. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney.

Harvey Oyer, attorney for the owner, provided an overview of the project.

Rick Gonzalez, REG Architects, presented the architectural plans for the proposed guardhouse with additional sea oats and landscaping.

Mr. Oyer presented the zoning requests for the proposed guardhouse to the existing site, along with letters from the National Trust and the Secret Service explaining why the proposal was being presented.

Council Member Araskog inquired about the language in the National Trust for Historic Preservation. Mr. Oyer responded. Council Member Araskog asked about the use of aluminum material. Mr. Gonzalez responded. Council Member Araskog asked if the guardhouse could be moved to another location to assist with the traffic. Council Member Araskog inquired if the guardhouse could be removed if it was no longer needed. Mr. Oyer responded.

Jennifer Hofmeister-Drew, Planner III, reviewed the development order from the Landmarks Preservation Commission.

Council Member Cooney expressed concern about the inability to get cars off the roadway. He had looked at the past declaration of use agreements,

which showed vehicles stacking off the roadway. He thought more study was necessary when events were held at the club. Mr. Oyer asked if Council Member Cooney was comfortable approving the guardhouse with the revisiting of the traffic plan. Council Member Cooney thought a new traffic plan needed to be discussed because it contemplated using the subject entrance and the entrance to the north during events. He believed the traffic impacts would be substantial.

Council President Pro Tem Lindsay thought the traffic in that area had gotten worse, especially since it was a main exit off the island. Council President Pro Tem Lindsay thought a deferral was appropriate with a question to the secret service to see if they can move more cars further into the property.

Council Member Crampton stated that another entrance was used during COVID.

Mr. Oyer discussed and explained that the secret service had the authority to place the guardhouse in a location at their discretion. They had said emphatically, this is the location where the guardhouse would go. They had said this specifically because they did not want to get any closer to the structure that they were trying to protect. If traffic was moved in to create more stacking, it would create more difficulty for them to do their job. In fact, they wanted the guardhouse closer to the road, but compromised by bringing it in 31 feet from the gate and 50 feet from the road right of way to allow some stacking of cars.

Council Member Araskog recommended using the northern driveway as the entrance.

Council Member Crampton thought that the Town Council could approve the project with a condition that the club would join the Town in developing a traffic plan.

Council President Zeidman called for public comment.

Nader Kazeminy, 100 Worth Avenue, expressed objections to the proposed solution for the guardhouse. He recommended using the entrance to the south entrance.

William Gilbane, 675 N. Lake Way, thought it was an undue burden on the Town when the President had decided this was his full-time residence. When the first Declaration of Use was negotiated, it was never to be used as a primary residence. He thought the ideal location for security would be the southern entrance.

Motion made by Council Member Araskog and seconded by Council Member Cooney that ZON-23-017, 1100 S Ocean Blvd, be deferred to May 10, 2023, with a request to the Secret Service to reconsider an alternate location for the guardhouse that would allow for more traffic to be removed from the street, and to review the Declaration of Use Agreement in regards to the traffic management plan, while bringing the

plan into compliance. Motion carried 4-1, with Council Member Crampton dissenting.

Mayor Moore cautioned the Town Council that it could take a year for approval from the National Trust for Preservation.

m. **ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R- C district under Sec. 134-201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third-floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review. [Landmarks Preservation Commission Recommendation: Implementing the proposed variances will not cause negative architectural impact to the landmarked property. Carried 7-0.] [Landmarks Preservation Commission approved the project with the lighting to return to the March 22, 2023, meeting. Carried 7-0.] [Town Council deferred the matter to the March 15, 2023, meeting.]

TIME CERTAIN 2:00 PM

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

M. Timothy Hanlon, attorney for the applicant, introduced the project and asked Mr. bon Sorte from the Oetker Collection to speak on the issues.

Duarte bon Sorte, Oetker Collection, tried to assure the community they would be welcomed in the hotel once it opened. He indicated that the community would be extremely proud of the hotel. Mr. bon Sorte discussed the changes proposed for the renovations. He asked Intrapark to speak regarding parking solutions.

Jordan Rodewald, Intrapark, discussed the 100 parking spots, 50 of which would be used for hotel operations, as well as an electric vehicle that they would be using as a shuttle. He also discussed the 50 parking spots secured in West Palm Beach that would be used for staff and vendors.

Mayor Moore thought that the timelines allotted for traffic were insufficient.

Mr. Rodewald indicated that these shuttles would avoid peak hours of traffic.

Mayor Moore asked about the parking spaces at other buildings and wondered if the proposed would overlap with existing parking. Ms. Hofmeister-Drew stated that the operator had a signed contract with the building owner, and it would be up to the owner to dedicate those spots. Mayor Moore asked about the existing parking allocated for the building's use. Ms. Hofmeister-Drew indicated that staff was researching that number.

Council Member Araskog inquired about the parking and shuttling of employees during lunchtime. Mr. Rodewald responded. Council Member Araskog asked about the noise and lights for parking in the building.

Council Member Crampton thought the issue with the plan was that only one automobile would be allocated for the shuttling. Mr. Rodewald discussed the electric vehicles that would be used.

Council Member Araskog inquired if the shuttle cars were open or closed. Mr. Rodewald responded.

Council President Pro Tem Lindsay asked about the number of cars that could be queued on property. Mr. Rodewald indicated they could handle 10 to 11 cars in front of the Vineta and approximately 4-5 spaces had been dedicated on the side of the building.

Mr. Rodewald reviewed the routes of the shuttles for parking.

Council Member Crampton asked about the queuing space when the cars returned from the parking structure. Mr. Rodewald responded.

Mayor Moore cautioned the operator to follow the transportation plan; she expressed concern about the overuse of Cocoanut Row.

Council Member Crampton further warned about the use of Cocoanut Row. Mr. Rodewald discussed the ability to monitor the valet drivers.

Council Member Cooney asked about the software that monitored the drivers. Mr. Rodewald responded.

Council President Zeidman thought the operator had secured enough parking spaces and explained her assessment. She said with 40-50 employees on a shift, there were 50 parking spaces over on Australian. She recommended the professional evaluate the number of parking spaces and realize that additional spaces may be needed for patrons who wish to drive their own vehicles.

Council Member Araskog questioned the traffic plan. She did not understand why more of Royal Palm Way could not be used. She believed some of the travel on residential streets could be eliminated. Mayor Moore weighed in on circulating more traffic along Royal Palm Way. Her concern was if customers visited the Vineta for lunch and the bridge was up, traffic circulation would be impacted.

Mr. Rodewald further explained the software that would assist in monitoring

the valets.

Council Member Araskog asked where the house cars would be parked. Mr. Rodewald responded.

Council Member Crampton was happy with the upgrade to the parking, which was drastically different from the previous operator and how they addressed parking. He wondered if there was enough redundancy built into the program.

Mr. bon Sorte discussed the difference between their first presentation and the increase in parking that they had secured.

Council Member Crampton asked for confirmation that the operator would spare no expense in handling the issues. Mr. bon Sorte responded affirmatively.

Mr. bon Sorte reviewed the number of seats that they were requesting for operation. He indicated the number would be reduced after 10 p.m.

Council Member Araskog asked if Mr. Murphy determined that seats only for hotel guests would count in the overall calculation. Mr. Hanlon stated that Mr. Murphy has always been constant with his message that those seats were not counted in the overall count.

Mr. Hanlon provided further explanation on the seat counts.

Council President Zeidman asked that the operator break down the areas by each hour, with the number of seats activated. The Town Council needed to see an hourly diagram of how many seats will be open at any given time.

Council President Pro Tem Lindsay asked if what was now being referred to as the pool lounge was where the rotary lunch was previously held. She asked if dinner would be served in three locations and Mr. bon Sorte said yes. She wondered if there would be special events in the dining area. Mr. bon Sorte responded that if there were special events, they would be treated as part of the normal business operation and would not be in addition to normal operations. He also explained how extra vehicles would be handled. Council President Pro Tem Lindsay asked about the hours of operation for the restaurant and bar. Mr. bon Sorte responded last service would take place at 1:30 a.m. with closure at 2:00 a.m.

Council Member Crampton asked about considering a 1:00 a.m. closing.

Council Member Araskog stated that many more recent restaurants were asked to close much earlier. She also pointed out that the hotel was in a residential district. She did not feel it was acceptable to allow the bar area open at later hours due to the sensitivity of the neighbors. She believed major restrictions needed to apply to the bar area.

Mr. bon Sorte reviewed the staff entrances for the hotel and valet.

Mr. bon Sorte reviewed the private events proposed for the hotel. Council

President Zeidman cautioned about the parking and queuing for special events. Mr. bon Sorte stated if there was a special event, based upon attendance at the event, other admissions would have to be limited. Council President Zeidman was concerned that for an event, everyone would be showing up at the same time.

Council President Pro Tem Lindsay asked for further clarification on private events. She agreed with Council President Zeidman and stated that the parking for special events had caused problems.

Council Member Araskog expressed concern about the proposed cocktail parties twice a month. She recommended removing one of the bars.

Council Member Crampton thought the operator would need to prove their efforts to the Town. He discussed the requirement of a declaration of use agreement.

Mr. bon Sorte reviewed the delivery routes for the hotel.

Nelo Freijomel, Spina O'Rourke, reviewed the hotel's proposed rooftop equipment. He discussed the removal of some of the equipment as previously proposed.

Council Member Araskog asked for confirmation that a scrubber would be included in the mockup, and Mr. Freijomel confirmed.

Mr. Freijomel outlined the proposed grease trap location.

Mr. Hanlon reviewed the security proposed for the hotel. Mr. Hanlon discussed the neighborhood outreach for the project. Mr. Hanlon reviewed the four remaining variances that were requested. Mr. Hanlon summarized the request and advocated for the proposal.

Council President Zeidman asked if there was a price list for the hotel. Mr. bon Sorte responded the rates for Palm Beach were not available at this time.

Council President Pro Tem Lindsay did not find a problem for the bar to remain open late at night for hotel guests only. She did find it problematic to keep the bar open to outside guests.

Jennifer Hofmeister-Drew, Planner III, provided staff comments.

Council Member Crampton asked staff if they had any issues with the variance requests. Ms. Hofmeister-Drew stated that staff did not have any issues.

Council Member Araskog asked why café seating was need if the bar was not a night club. Ms. Hofmeister-Drew stated that the 197 seats were allowed by right. Council Member Araskog asked if the Town Council could limit them to 113 seats.

Town Attorney Randolph stated they would be entitled to 197 seats if they were not seeking variances. However, since the Town Council

would be the legislative body approving the variances, they could restrict the seating if deemed appropriate.

Mr. Hanlon discussed how the café seating was unrelated to the bar/nightclub.

Council President Zeidman called for public comment.

Bob Crowe, 330 Cocoanut Row, stated he hoped the Town would not tie their hotelier's hands so that they could not provide their fine service. He thought the hotel group was exceptional. He noted he has stayed in several of their hotels, and they were superior.

Aimee Sunny, Preservation Foundation of Palm Beach, discussed the easement held by the Foundation at the hotel. She advocated for the rehabilitation and renovation of the hotel. She discussed her appreciation for the architectural improvements. She provided the Foundation's support for the renovations.

Betsy Shiverick, 16 Golfview Road, voiced her support for the hotel's renovation. She discussed the sensitive architectural changes that were proposed. She asked the Town Council not to impede the progress of the hotel restoration.

Reute Butler, 349 Chilean Avenue, asked about the door opening from the bar to the pool. It was confirmed there would be French doors. She requested a significant increase in the height of the walls to the south and east. She stated there were some drawbacks to living to the south of the Chesterfield. One was an extraordinary amount of noise from the music and people enjoying the swimming pool. She requested that no music be allowed by the pool on the south side during the day, especially on weekends since there were adjacent residents. She also asked the hotelier to be sensitive to lighting impacts on residents. She recommended allowing 113 seats as a trial and increasing after that period.

On behalf of a condominium on Australian Avenue, John Jorgenson asked about the parking equivalency and wondered if it had ever been used to expand the use of a business.

Town Attorney Randolph stated he could not remember if this had been done.

Mr. Jorgenson questioned the calculation since the hotel did not have any parking. Mr. Jorgenson thought the minimum should be allowed for the use of the property. He did not believe the non-conforming use should be increased.

Susan Watts, 455 Worth Avenue, expressed concern about the number of people visiting the location, which would not be calculated in seats. She expressed concern about the traffic flow. She requested the Town Council keep the seating at 113, at least initially.

Ellen Kaufman, 330 Cocoanut Row, requested that the hardship not fall on the shoulders of the residents. She thanked the Town Council for the hours and consideration they had put into recognizing what a variance would do on this property. She expressed concern about the use of Brazilian in the shuttling of cars.

Susan Gary, 229 Onondaga Avenue, requested that the Town Council hold the line and protect the residents.

Nader Kazeminy, 100 Worth Avenue, appreciated the operator moving into Palm Beach. He encouraged them to speak with other restaurants in the area to find out how restaurants were used in the town. He questioned whether the French doors to the pool area would be open all the time.

Carey O'Donnell, 389 S. Lake Dr., expressed concern about the shuttle route into West Palm Beach. She appreciated the high-class operation.

Peter Geisler, 315 S. Lake Dr., respected the hotel operator and what they were planning to do for the town. He also thanked the Town Council for their efforts.

Miguel Rosales, 426 Australian Avenue, thought they needed some improvements in their parking system. He expressed concern that the trash facility was being placed on the street. He asked that a mockup of the roof equipment and mechanicals be provided to the town council before approval. He was against the 2 a.m. proposed closing time for the bar.

John David Corey, 426 Australian Avenue, questioned the variances and wondered what the hardships were for the requests. He asked the Town Council to hold the seats at 113.

Council Member Araskog did not believe the requests had been satisfied and requested a deferral. She asked that the seats be held at 113. She would ask that they return after one entire season to assess their operations. She stated she might be amenable to only the extra 12 seats for hotel guests by the pool. She also asked that the bar be held for hotel guests and restaurant guests. She was against a nightclub bar.

Council Member Crampton felt optimistic about the efforts put forth by the operator. He felt the Town Council should be strict in monitoring the operation, which means beginning with 113 seats. He thought additional seats could be added for hotel guests only. He thought the number of seats for the public could be expanded based on performance. He thought a declaration of use should be introduced for this operation.

Council President Pro Tem Lindsay thought the hotel should start modestly and grow. She thought two of the areas were an intensification of use. She provided recommendations on areas for use for hotel guests only.

Council Member Araskog stated she would support the bar staying open later for hotel guests only.

Council Member Cooney was excited to see the reinvestment in the property. He was also happy to see the plans for the architectural renovation. He was happy that the Town had attracted such a quality hotel operator. He stated he would be open to an increase of seats in increments once the operation was assessed.

Council President Zeidman said the town has changed and was much busier than previously. She acknowledged the efforts of Mr. bon Sorte. She stated that not all the seats should be used at one time. She cautioned using the courtyard later and recommended closing the area early. She thought a later bar for hotel guests only should be considered. She recommended addressing the pool around the residential area near Chilean Avenue and closing the area earlier. She also thought a step-up plan, increasing seats over time, would be a good solution. She asked about the timeline of the construction.

Mr. Hanlon asked for approval of the two variances for mechanical equipment.

Council Member Cooney thought both the kitchen and the neighborhood needed a scrubber and the variance was necessary.

Council Member Araskog requested to see the mockup of the pergola.

Mr. Freijomel stated that the variance would not be changed; the only change item would be screening for the scrubber.

Sarah Mettler, 330 Cocoanut Row, asked that screening be added to the area where equipment will be located for residents who live on higher floors.

Council Member Crampton thought variances 3, 4, and 5 could be approved in the spirit of cooperation.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve variances ZON-23-019, specific to variance # 3, 4, and 5 relating to rooftop trellis, air conditioning units, and kitchen scrubber, shall be granted and find in support thereof that all the criteria applicable to this application as set forth in section 134-201a items 1-7 have been met, conditioned upon the applicant's agreement to visually screen materials on all sides and that screening be approved by the Landmark Preservation Commission to their satisfaction.

Jennifer Hofmeister-Drew, Planner III, noted the motion by the Landmarks Preservation Commission when the project was heard.

Council Member Araskog stated her desire to see a mock-up.

Motion carried 4-1, Council Member Araskog dissenting.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to defer the remainder of the project to April 4, 2023. Motion carried unanimously, 5-0.

n. **ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. [The Landmarks Preservation Commission deferred this project to the March 22, 2023, meeting.] This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

o. **ZON-23-027 (ARC-23-012) 206 CARIBBEAN RD (COMBO)— SITE PLAN REVIEW** The applicant, 206 Caribbean LLC (Robert Frisbie, has filed an application requesting site plan review from the Town Council for construction of a new two-story single-family on an existing lot that is deficient in minimum required lot width and lot area in the R-B zoning district. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

p. **ZON-23-028 (ARC-23-013) 177 CLARKE AVE. (COMBO) - VARIANCES** The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Town Council review and approval of variances including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure in support of the construction of a new two-story residence, alterations to an existing garage structure and landscape and hardscape improvements. The Architectural commission will review the design review component of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

q. **ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)— VARIANCES** The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2) to reduce both side yard setback requirements for two,

one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission deferred this project to the March 22, 2023, meeting.] This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

2. New Business

a. **ZON-22-079 (COA-22-028) 284 MONTEREY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, DHC MONTEREY LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow additions to an existing Landmarked structure which results in demolition of more than 50% of the cubic volume on portions of platted non-conforming lots in the R-B Zoning District, including variances from the (1) side (east) and (2) street side (west) setback requirements, and (3) a variance from the angle of vision requirements. The Landmarks Preservation Commission approved the project at the July 20, 2022, meeting. Carried 7-0. The Town Council originally reviewed and approved the project at the August 10, 2022, meeting. Carried 7-0. [This is a rehearing of a Town Council application.] [The applicant has withdrawn this application as of 03.03.23.]

This item was withdrawn at the approval of the agenda.

b. **ZON-23-005 (HSB-22-017) 128 SEABREEZE AVE (COMBO) – SITE PLAN REIVEW AND VARIANCES** The applicant, Jennifer Palumbo and Keith Palumbo, as Trustees of the Keith R. Palumbo 2007 Trust u/a/d August 10, 2007, have filed an application requesting Town Council review and approval for the rehabilitation of the primary residence and reconstruction of the detached two-story accessory structure with site wide landscape and hardscape improvements, including Variances for (1) Cubic Content Ratio, (2) increased lot coverage, (3) decreased landscaped open space, (4) the construction of a two-story accessory structure, and (5-9) to vest non-confirming building setbacks, requiring Special Exception with Site Plan Review due to the demolition of more than 50% of the two Historically Significant structures. The Landmarks Preservation Commission will perform the design review component of the application. [The Landmarks Preservation Commission deferred this project to the March 22, 2023, meeting.] This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

c. **ZON-23-029 (ARC-23-014) 325 VIA LINDA (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Three Palm Trees, LLC, has filed an application requesting Town Council review and approval for a Special Exception and Site Plan Approval to permit a reduction in the required setback for the proposed driveway gate and gateposts. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

Please note: A short break was taken at 5:59 p.m. The meeting resumed at 6:13 p.m.

d. **ZON-23-031 140 N COUNTY ROAD – MODIFICATION TO THE SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, Bank of America, N.A. (Mary J. Walter, Esq.) has filed an application requesting a modification to the Special Exception with Site Plan approval to remove the requirement for annual reporting of Town Serving data as evidence to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

Ex-parte communications were declared by Council Member Araskog and Mayor Moore.

Jaimee Braverman Kanarek, representing Bank of America, requested the exemption for providing town-serving documentation.

Mr. Bergman provided staff comments.

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

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Araskog to approve the exemption for the annual requirement of providing town-serving documentation to the Town. Motion carried unanimously, 5-0.

e. **ZON-23-032 (ARC-23-022) 125 WORTH AVE (COMBO)– SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, 125 Worth Partners LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the substantial demolition exceeding 50% exterior building elevations for the renovation and expansion of the existing four-story nonconforming commercial building (with underground parking) including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines and a Special Exception to

permit retail and office uses greater than 4,000 SF gross leasable area in the C-WA district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required parking; (2) to modify and expand a nonconforming four-story building; (3) to exceed the maximum overall building height to construct a new rooftop and rooftop projections; (4) to exceed the maximum allowable lot coverage for the fourth level; (5) to reduce the required front yard setback, (6) to eliminate the requirement for an on-site loading space, (7) to retain and increase the existing nonconforming lot coverage for the first, second and third levels; (8) to retain the existing nonconforming building length; (9) to retain the existing nonconforming landscape open space; and (10) to further increase the existing nonconforming floor area due in association with the voluntary demolition of portions of the nonconforming building exceeding 50% of exterior wall square footage, in conjunction with the renovation of an existing four-story office and retail building. [The Architectural Review Commission has moved this project forward to the Town Council for zoning review before the architectural design review at their February 22, 2023, meeting.]

TIME CERTAIN 11:00 AM

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

Joshua Martin, on behalf of the Frisbie Group, presented an overview of the existing site and the renovation of the commercial site.

Richard Sammons, Fairfax & Sammons presented the architectural plans proposed for the commercial site.

Mr. Martin reviewed the community outreach that occurred before the presentation. He reviewed the changes that had been made to the architecture at the request of the neighbors. He then reviewed all the variances requested for the modifications.

Council President Zeidman asked about the square footage on the fourth floor that was moved at the request of the neighbors. Mr. Martin outlined the changes.

Please note: Mayor Moore left the meeting at 12:18 p.m. She returned at 1:07 p.m.

Mr. Martin discussed how construction and parking would be handled for this building.

Council President Pro Tem Lindsay asked about the construction timeline and proposed length. Mr. Martin responded. Council Member Crampton asked about placing a deed restriction on the property to not allow for a restaurant in the building.

Jennifer Hofmeister-Drew, Planner III, provided staff comments.

Council President Zeidman called for public comment.

David Missner, 400 Association, asked about the construction to be done during the season; he objected to any work being done during the season.

Mark Himmelstein, 400 S. Ocean Blvd., objected to the statement made by Mr. Martin that no prior renovations had been completed. He wanted to present evidence that renovations had been completed. He objected to the elimination of parking spaces. He objected to the fourth story of the building.

Cynthia Oneglia, 2155 Ibis Isle Road, objected to the fourth story of the building, the lack of letters posted by the Town, the letters posted, and parking. She stated her objections to the developer's proposal.

Ronald Berk, 101 Worth Avenue, objected to the expansion of the fourth story of the building. He asked about the hardship requiring variances. He expressed concern for the precedents that would be set by granting the requested variances. He expressed concern for the renovations and how they would affect the neighbors.

Rod Oneglia, 101 Worth Avenue, indicated the building was a three-story building, not a four-story building.

Debbie Bricker, 101 Worth Avenue, expressed concern about light, sound, and odors. She expressed concern about possible restaurants on the street due to the traffic they would bring.

Douglas Daft, 101 Worth Avenue, inquired about the hardships for the requested variances. He did not object to the improvement of the façade; however, he objected to the expansion of the building.

Patrick Donaghy, 101 Worth Avenue, objected to expanding the building to include a fourth floor.

Barry Keen, 400 S. Ocean Blvd., objected to the expansion of the building, any increase in seating requests, and the elimination of parking spaces.

Delphine Daft, 101 Worth Avenue, endorsed all of the objections to the previous comments. She wondered if an Environmental Impact Study had been completed. She expressed concern about the noise level during the construction.

Marlene Strauss, 101 Worth Avenue, objected to the building's proposed height and bulk.

Joanne Polokzer, 101 Worth Avenue, objected to the construction, traffic congestion, and the possible precedent that the renovation would set for other development in Town.

Alex Millen, 251 Oleander Avenue, supported the proposed renovation.

Anita Seltzer, 44 Cocoanut Row, asked about the images shown and wondered if the staff had seen the images.

Mr. Randolph stated that the applicant had the prerogative to show any items that they needed to show for their project.

Ms. Seltzer expressed her objections to the proposed project.

Anne Pepper, 333 Seaspray Avenue, inquired what the Town Council would vote on regarding this application. She expressed objections to the proposed project.

Mr. Martin discussed the number of letters of support that he had received from residents and business owners in the buildings surrounding the property, that were supportive of the project. He discussed how the team would submit a construction management agreement before renovating. He discussed the ceiling height of the fourth floor compared to the remaining floors. He discussed the changes in the application which had been made in response to the comments from the neighbors.

Council Araskog asked about the buildings that supported the project. Mr. Martin responded.

Maura Ziska, attorney for the applicant, provided a further explanation of the requested variances.

Mr. Martin asked the question, directed to the residents of the Kirkland House if the restaurant issue was removed from consideration, would that satisfy some of the concerns of the residents.

Bernard Lebedeker, attorney representing Kirkland House, stated that the residents would be interested in a deed restriction for the restaurant provision, and would also like to speak with the Frisbie Group regarding the fourth story.

Council President Pro Tem Lindsay asked about the loss of parking, to which Mr. Martin responded.

Council President Zeidman asked about the allegation that taxes have not been paid on the fourth story. Mr. Martin responded.

Council Member Araskog inquired about an old permit document that indicated that the building was a three-story building, not a four-story building.

Town Attorney Randolph stated that his opinion was based on the definition in the code.

Council Member Crampton thanked the attorney for the Kirkland House for suggesting a conversation with the Frisbie Group to come up with a compromise with the issues on the restaurant and the fourth story of the building.

Motion made by Council Member Crampton and seconded by Council Member Araskog to defer the project to the April 4, 2023, meeting. Motion carried unanimously, 5-0.

Please note: A lunch break was taken at 12:56 p.m. The meeting resumed at 2:30 p.m.

f. **ZON-23-033 (ARC-23-024) 1540 S. OCEAN BLVD AND 114 OCEAN VIEW RD (COMBO)—VARIANCES.** The applicant, 1540 S Ocean LLC (Steven Kirsch, Managing Director) has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the construction of a new plunge pool, deck, and landscaping for an existing 136 square foot beach cabana at 1540 S Ocean Blvd and 114 Ocean View Road and for a variance (1) to the minimum frontage and variance (2) to the established ocean bulkhead line setback. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the April 4, 2023, meeting at the approval of the agenda.

g. **ZON-23-036 (ARC-23-019) 247 SEASPRAY AVE (COMBO)—VARIANCES.** The applicant, Alicia Grace (ALICIA GRACE TR TITL HLDR), has filed an application requesting Town Council review and approval for (5) variances required to construct a second floor addition on an existing detached single story accessory structure, including variances (1-2) to vest existing non-conforming first story side and rear setbacks due to the demolition of more than 50% of the structure, (3-4) variances to permit the construction of a second story with reduced side and rear setbacks, and (5) to construct a two-story accessory structure within the R-B zoning district on a parcel under 20,000 SF. The Architectural Commission will perform design review component of the project. [The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Commission approved this project at their February 22, 2023, meeting with additional components to return for further review. Carried 7-0.]

Ex-parte communications were declared by Council Members Araskog and Cooney.

M. Timothy Hanlon, attorney for the owner, presented the zoning requests for a proposed addition to the existing residence.

Peter Papadopoulos, Smith and Moore Architects, Inc., presented the architectural plans for the proposed addition.

Bradley Falco, Planner I, provided staff comments.

Mayor Moore expressed concern with the second story close to the rear property line. She wondered if the neighbor had been engaged. Mr. Papadopoulos responded. Mayor Moore expressed concerns for the privacy of the neighbor, as well as their light and air. Mr. Papadopoulos responded.

Council Member Cooney understood that the two-story accessory structure on the property line was consistent with the historical development pattern in the neighborhood. He supported the request.

Council Member Araskog thought this request was a bit different because the owner did not touch the main home. She thought Mr. Papadopoulos did a good job in the plan. She thought the request was small.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-23-036, 247 Seaspray Ave shall be granted and found in support thereof that all of the criteria applicable to this application as set forth in Section 134-201(a) items 1-7 have been met, and providing that the property owner did voluntarily commit the prior 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 for underground utilities in the area. Motion carried unanimously, 5-0.

h. **ZON-23-037 537 ISLAND DR—VARIANCE.** The applicant, John Rakolta, Jr. and Terry Lynn Rakolta, have filed an application requesting Town Council review and approval for a variance to construct a boat lift further than 6 ft west of the US Pierhead line.

There were no ex-parte communications declared at this time.

Maura Ziska, attorney for the owner, presented the zoning requests for the proposed boat lift.

Mr. Bergman provided staff comments.

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

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-23-037 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. Motion carried unanimously, 4-0.

B. Time Extensions and Waivers

1. Time Extension for 760 N. Ocean Blvd.

Mr. Bergman reviewed the time extension request.

Mayor Moore understood the request; however, regardless of the location, she was not in favor of Sunday work. She also expressed a concern for the request for Saturday work.

Robert Schlager, Palm Beach Country Club, discussed the hours and days of operation. He discussed their request for extra hours of work. He reminded the Council that they were over 1,000 feet from residential neighbors, creating virtually no impact on residential owners.

Council President Zeidman asked how far they were located away from the beach club. Mr. Schlager said approximately 700-800 feet.

Council Member Cooney asked about the time constraint for the work. Mr. Schlager stated he would like the work to be done prior to the season.

Council Member Araskog was not in favor of Sunday work. She asked if the interior work could be completed on Saturdays in the off-season. Mr. Schlager responded. Council Member Araskog expressed concern about any exterior work on Saturdays.

Mr. Schlager assured there would be no disruption to the Beach Club.

Council President Pro Tem Lindsay thought that the holidays should be shut down and free of construction work.

Council President Zeidman called for public comment.

Brad McPherson, attorney representing his client at 250 Country Club Road, expressed concern for the work beginning at 6 a.m., as well as the weekend hours.

Mr. Schlager stated if there were any complaints, they would immediately work with the neighbors with respect to concerns. He also stated the noisy work would not take place at 6:00 a.m.

Council Member Araskog expressed concern for the 6 a.m. start time. She was not in favor of Saturday and Sunday work, other than what was allowed in the code.

Motion by Council Member Cooney and seconded by Council Member Crampton to grant the waiver of construction hours for 760 N. Ocean Blvd with the following conditions: there shall be no Sunday work, work shall commence at 8:00 a.m., the applicant will comply with the Code regarding any holiday work, and any verifiable complaint will be handled by Director Bergman. Motion carried unanimously, 5-0.

IX. ORDINANCES

A. Second Reading

1. Native Landscaping Regulations

ORDINANCE NO. 003-2023: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances, Chapter 66, Natural Resource Protection, Article I, In General, By Amending Two Definitions; Amending Article IV, Vegetation, Division 1, Generally, At Sections

66- 212, Purpose And Intent, Subsection (6), And 66-213; Applicability; Amending Article IV, Vegetation, Division 3, Plans, At Sections 66- 261, Plans Required, And 66-285, General, Subsection (1); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Randolph read Ordinance No. 003-2023 by title only.

Motion made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance No. 003-2023 upon second reading. Motion carried unanimously, 5-0.

X. ANY OTHER MATTERS

There were no other matters discussed at this time.

XI. ADJOURNMENT

Motion made by Council Member Araskog and seconded by Council Member Cooney to adjourn the meeting at 7:40 p.m. on March 15, 2023. Motion carried unanimously, 5-0.

APPROVED:

_____
Margaret A. Zeidman, Town Council President

ATTEST:

_____
Kelly Churney, Deputy Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of March 29, 2023

Presenter
Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 026-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Construction Phase Services for the E-6 Pumpstation Improvements to Kimley-Horn and Associates, Inc. in the amount of $95,500 and establishing a project budget of $105,000.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 026--2023**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 026-2023 Awarding Construction Phase Services for the E-6 Pumpstation Improvements to Kimley-Horn and Associates, Inc. in the Amount of $95,500 and Establishing a Project Budget of $105,050, Resolution **No. 026-2023**

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 026-2023, Awarding Construction Phase Services for the E-6 Pumpstation Improvements to Kimley-Horn and Associates, Inc. in the Amount of $95,500 and Establishing a Project Budget of $105,050.

SUMMARY EXPLANATION/BACKGROUND

The Town has requested Kimley-Horn and Associates, Inc. (KHA) to provide construction phase services for the E-6 Pumpstation Improvement Project. KHA has recently completed the construction drawings and specifications for the E-6 Wastewater Pump Station Improvements.

Procurement and Contract Management Division has reviewed the proposal and finds the submittal in accordance with established guidelines and procedures. The proposal has been vetted by the Engineering Division of Public Works.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 026-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING CONSTRUCTION PHASE SERVICES FOR THE E-6 PUMPSTATION IMPROVEMENTS TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF $95,500 AND ESTABLISHING A PROJECT BUDGET OF $105,000

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 026-2023, Awarding Construction Phase Services for the E-6 Pumpstation Improvements to Kimley-Horn and Associates, Inc. in the Amount of $95,500 and Establishing a Project Budget of $105,050.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie Lindsay, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 028-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-14, D-12 Stormwater Pumpstation Improvements to Murray Logan Construction, LLC in the Amount of $947,680 and Establishing a Project Budget of $1,089,832

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum from Dean Mealy, Procurement and Contract Manager dated March 22, 2023**
- **Resolution No. 028-2023**
- **Bid Tab**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 028-2023, Approving the Award of ITB No. 2023-14, D-12 Stormwater Pump Station Improvements to Murray Logan Construction in the Amount of $947,680 and Establishing a Project Budget of $1,089,832

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 028-2023, Approving the Award of ITB No. 2023-14, D-12 Stormwater Pump Station Improvements to Murray Logan Construction in the Amount of $947,680 and Establishing a Project Budget of $1,089,832.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-14 for the Rehabilitation of D-12 Stormwater Pumpstation to the pre-qualified pool of contractors. The Town received one bid and Murray Logan Construction, LLC was found to be responsive and responsible to the bid solicitation.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 028-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2023-14, D-12 STORMWATER PUMPSTATION IMPROVEMENTS TO MURRAY LOGAN CONSTRUCTION, LLC IN THE AMOUNT OF $947,680 AND ESTABLISHIING A PROJECT BUDGET OF $1,089,832

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 028-2023, Approving the Award of ITB No. 2023-14, D-12 Stormwater Pump Station Improvements to Murray Logan Construction, LLC in the Amount of $947,680 and Establishing a Project Budget of $1,089,832.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

_____
Danielle H. Moore, Mayor

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie Lindsay, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

MURRAY LOGAN CONSTRUCTION, LLC
General Contractors
313 65th Trail North
West Palm Beach, FL 33413
Telephone 561-686-3948
Fax 561-686-7465

Dean Mealy, II
Town Procurement and Contract Manager
Town of Palm Beach
951 Okeechobee Rd., Suite A
West Palm Beach, FL 33401

RE: Town of Palm Beach D-12 Stormwater Pump Station Improvements
ITB No 2023-14
Revised plans and specification– Dated 3/8/23

Mr. Dean Mealy,

The following are revised prices based on scope changes made by Kimley-Horn and Associates. Last revision date of March 8, 2023.

Item	Description	Quantity	Units	Unit Price	Total
Item 1	Mobilization and Bonds	1	ls	$75,720.00	$75,720.00
Item 2	Maintenance of Traffic	1	ls	$23,460.00	$23,460.00
Item 3	Site Demolition	1	ls	$53,500.00	$53,500.00
Item 4	Building Demolition	1	ls	$10,200.00	$10,200.00
Item 5	Civil Improvements	1	ls	$647,400.00	$647,400.00
Item 6	Mechanical Improvements	1	ls	$12,200.00	$12,200.00
Item 7	Roof Replacement	1	ls	$69,000.00	$69,000.00
Item 8	Site Restoration	1	ls	$56,200.00	$56,200.00
					========
				Total Bid Price:	$947,680.00

Note: Estimated lead time on 36” check valves are currently 20-24 weeks.

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 030-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Site Civil Review Assistance for Planning, Zoning, and Building to Kimley-Horn and Associates, Inc. in the Amount of $65,000, Chen Moore and Associates in the Amount of $65,000 and Mock-Roos in the Amount of $65,000.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 030-2023**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 030-2023, Approving Site Civil Review Assistance for Planning, Zoning, and Building to Kimley-Horn and Associates, Inc. in the Amount of $65,000, Chen Moore and Associates in the Amount of $65,000 and Mock-Roos in the Amount of $65,000

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 030-2023, Approving Site Civil Review Assistance for Planning, Zoning, and Building (PZB) to Kimley-Horn and Associates, Inc. in the Amount of $65,000, Chen Moore and Associates in the Amount of $65,000 and Mock-Roos in the Amount of $65,000.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management awarded Professional Engineering Continuing Services with Kimley-Horn and Associates, Inc., Chen Moore and Associates and Mock-Roos through RFQ No. 2018-47.

PZB has had a continued requirement for Site Civil Review Assistance. Each of the firms shall provide a staff member or members to work under the direction of Building Department staff for the specific purpose of reviewing site civil improvement plan applications and right of way permit applications received by the Building Department for the purpose of determining whether the improvements are in accordance with the Town's Code of Ordinances.

All review of proposed construction documents will take place using Town computers and files, on premises at the Town of Palm Beach Town Hall. Written comments will be provided in the manner preferred by the Town, which are expected to be direct input into a computer permit tracking system.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Building Enterprise Fund.

USER DEPARTMENT CONCURRENCE

The Planning, Zoning, and Building Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 030-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING SITE CIVIL REVIEW ASSISTANCE FOR PLANNING, ZONING, AND BUILDING TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF $65,000, CHEN MOORE AND ASSOCIATES IN THE AMOUNT OF $65,000 AND MOCK-ROOS IN THE AMOUNT OF $65,000

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 030-2023, Approving Site Civil Review Assistance for Planning, Zoning, and Building to Kimley-Horn and Associates, Inc. in the Amount of $65,000, Chen Moore and Associates in the Amount of $65,000 and Mock-Roos in the Amount of $65,000.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie Lindsay, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 031-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of $390,000 and Establishing a Project Budget in the Amount of $470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 031-2023**
- **Proposal**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 031-2023, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of $390,000 and Establish a Project Budget in the Amount of $470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 031-2023, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of $390,000 and Establish a Project Budget in the Amount of $470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach.

SUMMARY EXPLANATION/BACKGROUND

The Town is proposing to design an improved "Linear Park" along the landward side of the approved new replacement Bulkhead, from Royal Palm Way (North) to Gulfstream Road (South). The proposal includes work associated with improvements adjacent to the existing Clock Tower.

Town Council had directed Public Works to incorporate improvements to the park as the new Bulkhead was designed. Bridges, Marsh & Associates are under a Professional Services Agreement for Architectural Services to the Town which was awarded in 2022.

Project Assumptions:

- The design and permitting phases of the project are anticipated to be twelve (12) months.
- The project will be designed, permitted, and constructed in one (1) phase.
- There are no known historic sites within the project area. A historical and Archaeological Assessment report is not included in the scope of services.
- Any balustrade, sidewalk, and pavement connected or associated with the seawall will be included in this project.
- All permit fees are the responsibility of the Town of Palm Beach.
- Offsite improvements to sidewalks, and roadway improvements, including but not limited to Pedestrians' signal design and improvements to adjacent side streets are not included in

the scope of services.

- Site lighting modifications are not included. Design can be provided as Additional services for any services/improvements to the requested later.
- This scope of work excludes coordination on utility relocations for FPL, ATT, Comcast, gas, or other franchise utilities.
- All underground-related improvements that exist or are proposed within the project area will be coordinated and protected.
- Subsurface exploration of existing utilities is not included in this scope of services.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Capital Improvement fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 031-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO BRIDGES, MARSH & ASSOCIATES IN THE AMOUNT OF $390,000 AND ESTABLISHING A PROJECT BUDGET IN THE AMOUNT OF $470,000 FOR THE DESIGN OF A LINEAR PARK ALONG THE LANDWARD SIDE OF THE NEW REPLACEMENT BULKHEAD FOR MIDTOWN BEACH

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 031-2023, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of $390,000 and Establishing a Project Budget in the Amount of $470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

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

2 March 2023

Mr. Duke Basha
Assistant Purchasing Manager, Town of Palm Beach
Public Works Building
951 Okeechobee Rd.
West Palm Beach, FL. 33401

RE: MIDTOWN BEACH LINEAR PARK IMPROVEMENTS

Professional Services Agreement:

Architect:

- Bridges, Marsh & Associates (BMA)

Consultants:

- Kimley-Horn
- Carmo Engineering Associates, Inc.
- Environment Design Group
- FAE Consulting

Project Description:

The Town of Palm Beach is proposing to design an improved "Linear Park" along the landward side of the approved new replacement Bulkhead, from Royal Palm Way (North) to Gulfstream Road (South). This includes work associated with improvements adjacent to the existing "Clock Tower".

Project Assumptions

- The design and permitting phases of the project are anticipated to be twelve (12) months.
- The project will be designed, permitted, and constructed in one (1) phase.
- There are no known historic sites within the project area. A historical and Archaeological Assessment report is not included in the scope of services.
- Any balustrade, sidewalk, and pavement connected or associated with the seawall will be included in this project.
- All permit fees are the responsibility of the Town of Palm Beach.
- Offsite improvements to sidewalks, and roadway improvements, including but not limited to Pedestrians' signal design and improvements to adjacent side streets are not included in the scope of services.
- Site lighting modifications are not included. Design can be provided as Additional services for any services/improvements to the requested later.
- This scope of work excludes coordination on utility relocations for FPL, ATT, Comcast, gas, or other franchise utilities.
- All underground-related improvements that exist or are proposed within the project area will be coordinated and protected.
- Subsurface exploration of existing utilities is not included in this scope of services.

Scope of Services:

PHASE I: PRE-DESIGN

- Provide New boundaries and topographic survey for+/- 2715 FT of road right-of-way.
- Document existing vegetation, Benches and Hardscape items.
- Determine project scope/program.

PHASE II: CONCEPTUAL DESIGN

A. ARCHITECTURAL DESIGN
- Site plan
- Architectural plans and conceptual elevations of design elements

B. LANDSCAPE ARCHITECTURAL DESIGN
- Conceptual vegetation disposition plan.
- Proposed Planting plans.
- Proposed hardscape improvements.
- Preliminary review and approval by Town Staff.

C. CIVIL ENGINEERING
- Demolition plans
- Conceptual paving and grading plan
- Conceptual utility plan
- Truck logistics plan

PHASE III: DESIGN DEVELOPMENT – (ARCOM/TOWN COUNCIL REVIEW)

- Final design documentation as required per the town's "Development Review Checklist."
  i.e., Architectural, landscape, and civil engineering drawings, letter of intent, justification statements, renderings, notices, presentation files, etc.
- Representation for the project at all ARCOM, Planning & Zoning, and Town Council Hearings.

PHASE IV: CONSTRUCTION DOCUMENTS

- Based on the Town's final approval of the design development documents and on the Town's authorization of any adjustments in project requirements and budget, the Architect and Consultants will propose construction documents for the Town's approval. Consulting services, in addition to Architectural, will be provided under this agreement. for the following:
  - Civil Engineering
  - Structural Engineering
  - Landscape Architectural
  - Electrical/Plumbing Engineering

- The Architect and Consultants will incorporate the design requirements of the Government Authorities having jurisdiction over the project into the construction documents and assist with submission for obtaining permits.

BASIS OF COMPENSATION

Hourly rates to be billed on a monthly basis at the rates set out below **NOT TO EXCEED $370,000.00 (Three hundred and Seventy thousand dollars).**

- Architectural Services:
  - Principal $300.00 per hour
  - Project Arch/Design $200.00 per hour
  - Jr. Architect $175.00 per hour
  - Sr. Draftsman $110.00 per hour
  - Draftsman $ 95.00 per hour
  - Administration $ 65.00 per hour
- Structural Services:
  - Principal $250.00 per hour
  - Engineer $150.00 per hour
  - Sr. Draftsman $110.00 per hour
  - Engineer Intern $100.00 per hour
  - Draftsman $100.00 per hour
  - Administrative $ 45.00 per hour
- M/E/P Services:
  - Principal $250.00 per hour
  - Engineer $125.00 per hour
  - Technician $ 95.00 per hour
  - Draftsman $ 55.00 per hour
  - Administrative $ 35.00 per hour
- Civil Engineering Services:
  - Principal $295.00 per hour
  - Project Engineer $220.00 per hour
  - Draftsman $110.00 per hour
- Landscape Architecture:
  - Principal $300.00 per hour
  - Partner $220.00 per hour
  - Draftsman $ 95.00 per hour

Additional Services

REIMBURSABLES:

Any out-of-pocket expenses incurred, including, but not limited to the following: Long distance phone calls/fax, long-distance travel, prints/reproductions, postage/delivery, and renderings will be billed not to exceed $10,000.00 (Ten Thousand Dollars).

PUBLIC/COMMUNITY meetings are to be billed at the rates below, not to exceed $10,000.00 (Ten Thousand Dollars).

OWNER RESPONSIBILITIES:

- Town to furnish services of geotechnical engineer including borings, soil bearing values, and percolation tests.
- Town's vendors to provide electronic system information (i.e., low voltage lighting system, etc.).

EXCLUSIONS:

- Exclusions noted under Project Assumptions
- Soil testing
- Government review (above normal review processes)
- Legal Fees

GENERAL:

Town as Owner: Town confirms that neither BMA nor any of BMA's Consultants or subcontractors has offered any fiduciary services to Town and no fiduciary responsibility shall be owed to Town by BMA or any of BMA's sub-consultants or subcontractors, as a consequence of BMA's entering into this Agreement with Town.

Assignment: No assignment, transfer, or subletting of any party's rights, interests, or obligations shall be allowed without the prior written consent of the other party.

Ownership of Instruments of Service: All reports, plans, specifications, computer files, field data, notes, and other documents and instruments prepared by the Architect as instruments of service shall remain the property of the Architect. The Architect shall retain all common law, statutory, and other reserved rights, including the copyright thereto.

The Town shall be permitted to retain copies, including reproducible copies or drawings and specifications for information and reference in connection with the Town's use and occupancy of the project. The Town shall not use the drawings and specifications on other projects, for additions to the projects, or for completion of the project by others, except by Agreement in writing and with appropriate compensation to the Architect.

Termination: The obligation to provide further services under this Agreement may be terminated by either party upon thirty (30) calendar days written notice in the event of substantial failure by the other party to perform in accordance with the terms herein. In the event of any termination, the Architect will be paid for all services rendered to the date of termination, all expenses subject to reimbursement hereunder, and other reasonable expenses incurred by the Architect as a result of such termination.

No personal liability. In accordance with Fla. Stat. Section 558.035, any claim made by the Owner arising out of any acts, errors or omissions by any officer, director, individual, agent or employee of the Architect, including any individually registered Architect who may be signing and sealing architectural/Engineering services provided herein, shall only be made against Bridges, Marsh & Associates, Inc. and not against any officer, director, individual, agent or employee of the Architect or any individually registered Architect. As required by Fla. Stat. Section 558.0035, it is understood that no individual design professional is a party to this Agreement.

AFTER ACCEPTANCE OF THIS PROPOSAL, THIS DOCUMENT BECOMES A LEGAL CONTRACT BETWEEN BRIDGES, MARSH & ASSOCIATES, INC., AND THE CLIENT.

Date	Date 3/2/23
Mr. Kirk W. Blouin, Town Manager	M. Mark Marsh, AIA, President

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 032-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-25 for the E-6 Pumpstation Improvements and Approving a Construction Contract to Hinterland Group, Inc. in the Amount of $1,134,000 and Establishing a Project Budget in the Amount of $1,304,000.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 032-2023**
- **Review of Bid Document**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 032-2023, Awarding ITB No. 2023-25 for the E-6 Pumpstation Improvement and Approving a Construction Contract to the Hinterland Group, Inc. in the Amount of $1,134,000 and Establishing a Project Budget in the Amount of $1,304,000

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 032-2023, Awarding ITB No. 2023-25 for the E-6 Pumpstation Improvement and Approving a Construction Contract to the Hinterland Group, Inc. in the Amount of $1,134,000 and Establishing a Project Budget in the Amount of $1,304,000.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-25 for the E-6 Pumpstation Improvement to the pre-qualified pool of contractors. The Town received two bids and Hinterland Group, Inc. was found to be responsive and responsible to the bid solicitation.

The Engineer's Opinion of Probable Construction Cost for this project was $1,080,000. In addition to Town staff reviewing the submittal, Kimley-Horn and Associates, Inc. was requested to review the submittal and found no objections to the recommended award.

The project includes demolishing existing piping, pump rails, valves, and fittings. Replacement of valve vault, wetwell top slab, access hatches, and cleaning and coating wetwell and vault valve. Installation of new discharge piping, including valves and fittings. Installation of new pump rails, float hangers, and floats. Installation of new potable water service. Installation and start-up of the odor control system.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 032-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2023-25 FOR THE E-6 PUMPSTATION IMPROVEMENTS AND APPROVING A CONSTRUCTION CONTRACT TO HINTERLAND GROUP, INC. IN THE AMOUNT OF $1,134,000 AND ESTABLISHING A PROJECT BUDGET IN THE AMOUNT OF $1,304,000

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 032-2023, Awarding ITB No. 2023-25 for the E-6 Pumpstation Improvement and Approving a Construction Contract to the Hinterland Group, Inc. in the Amount of $1,134,000 and Establishing a Project Budget in the Amount of $1,304,000.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie Lindsay, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

Kimley»Horn

March 20, 2023

Mr. Dennis Polski, P.E.
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

RE: Town of Palm Beach – E-6 Wastewater Pump Station Improvements
ITB No. 2023-25
KHA Job No. 044063257

Dear Mr. Polski,

The Town of Palm Beach recently advertised the bid documents to the Town's pre-qualified contractors and scheduled a non-mandatory pre-bid meeting for this project, which was held on March 2, 2023 to discuss the project with potential bidders. On March 17, 2023 bids were publicly opened and read. A bid tabulation was prepared by Town of Palm Beach staff and provided to Kimley-Horn and Associates, Inc. that includes a summary of the Total Bid Amounts for the two (2) bids that were received. The bid totals ranged from $1,134,000.00 to $1,368,000.00. The Engineer's Opinion of Probable Construction Cost for the project was $1,080,000.00.

Kimley-Horn and Associates, Inc. has been asked to review the bid proposal for the apparent low bidder for completeness with respect to the lowest responsive, responsible bidder. The bid package of Hinterland Group, Inc. was provided by the Town and reviewed by Kimley-Horn. The results of our review follows:

- No math errors were found on the Schedule of Bid Items.
- Upon review of the bid package, it was found that Hinterland Group, Inc. has submitted the documentation requested by the bid.

Kimley-Horn has worked with Hinterland Group, Inc. on past projects and we have no reason that the Town should not award this project to Hinterland Group, Inc. Based on the results of our review, Hinterland Group, Inc. submitted the lowest responsive, responsible bid for the project.

Should you have any questions or comments, please do not hesitate to contact this office at (561) 840-0256.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Jason Lee, P.E.

Attachment: Bid Tab
Cc: File

K:\WPB_Civil\044063257 - E-6\Bid Phase\Bids\KHA Bid Review E-6 Wastewater Pump Station.docx

							Hinterland Group Inc.		ray Logan Construction	
						Total Cost	$ 1,134,000.0		$ 1,368,000.0	
						Selected #	8		0	
						Selected ($)	$ 1,134,000.0		$ 0	
#	Locked	Items	Selected	Lowest	Quantity	Unit	UnitCost	TotalCost	UnitCost	TotalCost
1	Basis of Award (8)									
#1-1	FALSE	Mobilization	$ 50,000.0	$ 50,000.0	1	LS	$ 50,000.0	**$ 50,000.0**	$ 121,500.(	$ 121,500.0
#1-2	FALSE	Payment and Performance Bonds	$ 15,000.0	$ 15,000.0	1	LS	$ 15,000.0	**$ 15,000.0**	$ 18,500.0	$ 18,500.0
#1-3	FALSE	Maintenance of Traffic	$ 20,000.0	$ 20,000.0	1	LS	$ 20,000.0	**$ 20,000.0**	$ 27,500.0	$ 27,500.0
#1-4	FALSE	Demolition	$ 95,000.0	$ 33,000.0	1	LS	$ 95,000.0	$ 95,000.0	$ 33,000.0	**$ 33,000.0**
#1-5	FALSE	Sanitary Bypass Pumping	$ 125,000.(	$ 125,000.(	1	LS	$ 125,000.(	**$ 125,000.0**	$ 256,000.(	$ 256,000.0
#1-6	FALSE	Civil/Mechanical Improvements	$ 450,000.(	$ 450,000.(	1	LS	$ 450,000.(	**$ 450,000.0**	$ 524,900.(	$ 524,900.0
#1-7	FALSE	Electrical Improvements	$ 320,000.(	$ 282,600.(	1	LS	$ 320,000.(	$ 320,000.0	$ 282,600.(	**$ 282,600.0**
#1-8	FALSE	Site Restoration	$ 59,000.0	$ 59,000.0	1	LS	$ 59,000.0	**$ 59,000.0**	$ 104,000.(	$ 104,000.0

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 033-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Construction Phase Services for D-8 and E-5 Pumpstations to Mock-Roos in the Amount of $199,145 and Establishing a Project Budget of $229,016.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 033-2023**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 033-2023 Awarding Construction Phase Services for D-8 and E-5 Pumpstations to Mock Roos in the Amount of $199,145 and Establishing a Project Budget of $229,016

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 033-2023, Awarding Construction Phase Services for D-8 and E-5 Pumpstations to Mock Roos in the Amount of $199,145 and Establishing a Project Budget of $229,016.

SUMMARY EXPLANATION/BACKGROUND

The Town has requested Mock Roos to provide construction phase services for the D-8 and E-5 Pumpstation Improvement Projects. Mock Roos has recently completed the construction drawings and specifications for the D-8 and E-5 Pumpstation Improvements.

Procurement and Contract Management Division has reviewed the proposal and finds the submittal in accordance with established guidelines and procedures. The proposal has been vetted by the Engineering Division of Public Works.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 033-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING CONSTRUCTION PHASE SERVICES FOR D-8 AND E-5 PUMPSTATIONS TO MOCK-ROOS IN THE AMOUNT OF $199,145 AND ESTABLISHING A PROJCET BUDGET OF $229,016

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 033-2023, Awarding Construction Phase Services for D-8 and E-5 Pumpstations to Mock-Roos in the Amount of $199,145 and Establishing a Project Budget of $229,016.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

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

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 034-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-18 for the Rehabilitation of D-8 Stormwater Pumpstation and the E-5 Wastewater Pumpstation to Murray Logan Construction, LLC in the Amount of $2,064,680 and Establishing a Project Budget of $2,374,382.

Presenter
Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Resolution No. 034-2023**

Information for Town Council Meeting on April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 034-2023, Awarding ITB No. 2023-18 for the Rehabilitation of the Town's D-8 Stormwater Pumpstation and the E-5 Wastewater Pumpstation to Murray Logan Construction, LLC in the Amount of $2,064,680 and Establishing a Project Budget of $2,374,382

DATE: 22 March 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 034-2023, Awarding ITB No. 2023-18 for the Rehabilitation of the Town's D-8 Stormwater Pumpstation and the E-5 Wastewater Pumpstation to Murray Logan Construction, LLC in the Amount of $2,064,680 and Establishing a Project Budget of $2,374,382.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-18 for the Rehabilitation of the Town's D-8 Stormwater Pumpstation and the E-5 Wastewater Pumpstation to the pre-qualified pool of contractors. The Town received two bids and Murray Logan Construction, LLC was found to be responsive and responsible to the bid solicitation.

The Engineer's Opinion of Probable Construction Cost for this project was $1,850,000.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 034-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2023-18 FOR THE REHABILITATION OF D-8 STORMWATER PUMPSTATION AND THE E-5 WASTEWATER PUMPSTATION TO MURRAY LOGAN CONSTRUCTION, LLC IN THE AMOUNT OF $2,064,680 AND ESTABLISHING A PROJECT BUDGET OF $2,374,382

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 034-2023, awarding ITB No. 2023-18 for the rehabilitation of D-8 Stormwater Pumpstation and the E-5 Wastewater Pumpstation to Murray Logan Construction, LLC in the amount of $2,064,680 and establishing a project budget of $2,374,382.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Bobbie Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Board/Commission Annual Report

Agenda Title
Annual Report of the Architectural Commission

Presenter
Jeffery W. Smith, Chair

ATTACHMENTS:

- **ARCOM Annual Report 2022**

Architectural Review Commission

Report of Activities for 2022 Calendar Year

The Architectural Review Commission was comprised of 10 members in 2022.

(7 regular members and 3 alternates)

Three regular members who are licensed architects:

- Jeffrey Smith
- Thomas Kirchhoff
- Richard Sammons

One regular member is a certified Master Gardner:

- John David Corey

Attendance by Commissioners

There was a total of 16 absences by Commission members (4 Excused and 12 Unexcused). The January 2022 meeting was conducted as a hybrid - with members both in person and on Zoom due to the COVID-19 Pandemic. All subsequent meetings have been held in chambers.

Project Review

In 2022 ARCOM reviewed a total of 167 Projects.

Approved	*Without Variances*	*With Variances*	Deferrals	Denied
156	***114***	***42***	**173***	**11**

Staff Level Applications

Received By Department	Denied at Staff Level – Sent to ARCOM
595	**89**

In 2022 the Planning, Zoning and Building Department adopted the Project Designation Manual Matrix. The document establishes levels of review to streamline project review. The manual also introduced a Chair Review for projects requiring added review without the need of a full board.

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

*Please note that this number includes projects deferred more than once.

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Committee Reports

Agenda Title
Report of the Finance and Taxation Committee Meeting Held on Thursday, March 16, 2023
TIME CERTAIN: 2:30 PM

Time Certain
2:30 PM

Presenter
Margaret A. Zeidman, Chair

ATTACHMENTS:

- **March 16, 2023, Finance and Taxation Committee Meeting Report**

TOWN OF PALM BEACH

REPORT OF THE FINANCE AND TAXATION COMMITTEE MEETING HELD ON THURSDAY, MARCH 16, 2023

I. CALL TO ORDER AND ROLL CALL

The Finance and Taxation Committee Meeting of March 16, 2023, was called to order at 9:30 a.m. All Committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There was none.

V. REGULAR AGENDA

A. New Business

1. Water Study Update
   Robert Miracle, Deputy Town Manager Finance & Administration

Chair Zeidman stated that this committee will be discussing the cost of the two (2) options the Council is considering for our future water supply: (1) remaining with the City of West Palm Beach provided they will upgrade to membrane technology or (2) switching to the City of Lake Worth Beach which has some membrane technology and plans to fully convert to membrane technology . She further stated that advantages and disadvantages of each option will be considered by the Council including cost and the amount of disruption to replace aged water distribution infrastructure with the West Palm Beach option or upgrading the water distribution infrastructure and building two new water transmission conduits from Lake Worth to Palm Beach which will be required with the Lake Worth option. As a point of

reference, a cost analysis of staying with West Palm Beach "AS IS" will be presented first. The Council has indicated a desire to move toward membrane technology and is not considering West Palm Beach conventional treatment as an ongoing option.

Chair Zeidman reported that Council President Pro Tem Bobbie Lindsay, Chair of the Public Works Committee, had two Public Works meetings to look at the percentage of aged water pipes that would need near term replacement if the Town stays with West Palm Beach. She stated that no decision has yet been made by the Town Council regarding the final option because we are still gathering information. Chair Zeidman stated that the role of this committee is to determine what the residents' water bill will look like with each of the options.

In light of the recent proposal for the EPA (Environmental Protection Agency) to monitor PFAS in drinking water, Member Crampton explained the process of the EPA regarding new regulations, the study phase, the comment period and the length of time communities are given to comply.

Robert Miracle, Deputy Town Manager, Finance and Administration thanked the Committee for their opening statements and gave an introduction of the different presenters for the meeting.

Jason Lee, Kimley-Horn & Associates, presented an update regarding the Water Feasibility Study. The options are:

- **City of West Palm Beach – as is, the current water treatment process remains**

  There will be no change to the current water treatment process. The only improvement will be the replacement of the aged water distribution infrastructure in the Town. The total value will be $47-70M as follows:

Current Franchise Agreement pipeline improvements	$13M
Current critical pipeline improvements per Masterplan	$15M
Subtotal pipeline capital improvements	**$29M**
Engineering/Administration (20%)	$6M
Subtotal Capital, Engineering/Administration (20%)	**$35M**
Contingency (35%)	$12M
Subtotal Capital, Engineering/Admin & Contingency	**$47M**
Level 5 Engineers Opinion of Probable Cost (0-+50%)	**$47M – 70M**

- **City of West Palm Beach – Membrane Upgrade, plant to have 32 MGD nanofiltration and 16MGD brackish water reverse osmosis**

  This option would involve converting the existing conventional treatment with membrane treatment and would possibly include 32MGD of nanofiltration membrane treatment utilizing surface water source and 16MGD of brackish water reverse osmosis utilizing the Floridan Aquifer. This improvement would require a process building to house the membrane treatment, the development of a Floridan wellfield for the City of West Palm Beach, a raw water system to deliver the water to the plant, and a redundant concentrated disposal system. The

total value for the conversion will be $797M-1.19B as follows:

16MGD BWRO and 32MGD NF Treatment	$354M
Wells including allowance for raw watermains	$110M
Current Franchise Agreement pipeline improvements	$ 13M
Current critical pipeline improvements per Masterplan	$ 15M
Subtotal capital improvements	**$492M**
Engineering/Administration (20%)	$ 98M
Subtotal capital, engineering and administration	**$590M**
Contingency (35%)	$207M
Subtotal	**$797M**
Level 5 Engineers Opinion of Probable Cost (0-+-50%)	**$797M - $1.19B**

The Town of Palm Beach use = 21% of the above capacity which is $167M- $251M

Mr. Lee stated that these estimates were not provided by the City of West Palm Beach but were a result of requests made by Town staff.

- **City of Lake Worth Beach – plant to have 4.5MGD nanofiltration and 15MGD brackish water reverse osmosis.**

  This option includes increasing the brackish water treatment which has an existing capacity of 5.1MGD utilizing the Surficial Aquifer and 4.5MGD utilizing the Floridan aquifer. The future capacity will be 4.1MGD utilizing nanofiltration and 15MGD utilizing reverse osmosis, respectively. This option will require significant water transmission improvements from the LW plant to the Town and upgrading the water distribution and transmission system to move water from the south to the north end of the Town The value for this improvement will be $310M-465M as follows:

10.5MGD RO Treatment, 4.5MGD NF treatment, Treatment Building addition	$110M
LWB Pipeline interconnection – C-51 Connection	$ 17M
LWB Pipeline interconnection – LW Road	$ 11M
Town Pipeline distribution improvements	$ 40M
Current Franchise Agreement pipeline replacements	$ 10M
Critical pipeline improvements per masterplan	$ 3M
Subtotal Capital Improvements	**$191M**
Engineering/Administration (20%)	$ 38M
Subtotal Capital, Engineering and Administration	**$229M**
Contingency (35%)	$ 80M
Subtotal Capital, Engineering/Admin, Contingency	**$310M**
Level 5 Engineers Opinion of Probable Cost (0-+50%)	**$310M-$465M**

Mr. Lee presented the following Cost Analysis Summary regarding the three (3) options and stated that the Town required capacity is 10MGD which is 21% of 48MGD planned capacity:

Alternative Description	Cost	Included in Cost
West Palm Beach – as is	$47M - $70M	Pipeline Infrastructure
WPB – 48MGD Membrane Upgrade	$797M - $1.19B (21% of capacity represents $167M - $251M)	Pipeline and Treatment Infrastructure
Lake Worth Beach	$310M - $465M	Pipeline and Treatment Infrastructure

Responding to Council Member Crampton, Mr. Lee explained a Level 5 analysis is a high-grade analysis.

Responding to Chair Zeidman, Mr. John Potts, Consultant, Kimley-Horn explained the huge difference in cost for the Lake Worth Beach option. Chair Zeidman stated that she was not comfortable with the analysis which shows a large discrepancy between the cost of an upgraded WPB system and an upgraded LWB system. In this analysis the LWB will cost our Town between $143M and $214M more than the WPB option. However the WPB option only includes pipeline improvements in accordance with our current franchise agreement which is and has been insufficiently funded. Chair Zeidman speculated that either the cost for LWB is too high or the cost for an upgraded WPB is too low.

Chair Zeidman explained the process of getting an agreement with the municipality after an option has been selected.

Responding to Member Crampton, Mr. Potts explained that the cost of replacing piping was a separate issue with West Palm Beach but not a separate issue with Lake Worth Beach.

Discussion ensued regarding the various costs involved in each estimate. Deputy Town Manager Miracle noted that certain costs will be a percentage regarding West Palm Beach due to the Town already being a customer vs. Lake Worth Beach where the Town would probably have to absorb more costs regarding the service as a new customer.

Deputy Town Manager Miracle introduced Jay Glover, Financial Advisor, PFM, who will make a presentation regarding the financing costs.

Mr. Jay Glover, PFM, presented an overview of financing capital needs and the various financing options available to local governments. He explained that Revenue Bonds are backed by revenues from a specific source and General Obligation Bonds are backed by the faith and credit of the issuer, which has the power to tax residents to pay bondholders. He further explained the legal requirements for the revenue bonds.

In response to questions from the committee Mr. Glover stated that the Town will have an “attractive level of borrowing” because of its AAA rating. Upon further questioning current rates are at 4-4.5% for a 30-year revenue bond. Mr. Glover asked not to be held to

those terms since bond rates do change. Mr. Glover remarked that a 30 year bond allows for future generations to help pay the cost.

Deputy Town Manager Miracle introduced Terry Hollis, Willdan Financial Services.

Terry Hollis, Willdan Financial Services presented the different alternatives relating to the water system alternatives and the impact to the Town's residents. She highlighted the Scope of Engagement as Willdan being retained to develop a high-level financial analysis that compares estimated probable costs of each water system alternative and the estimated financial impact to the Town and its water customers. She stated this scope only analyzed total revenues and was not a rate study. She presented the data used, assumptions and results achieved. She presented the three (3) alternatives as follows:

Alternative 1 (Status Quo)
Range of Required Revenue Increase is between 20.6-30.7%

Estimated Probable Cost	$47M	$70M
Incremental Revenue Required	$4.41M	$6.57M
% Increase compared to current revenues	20.6%	30.7%

Assumed percent attributable to the Town = 100%

Alternative 2 (WPB – 48MGD Membrane Upgrade)
Range of Required Revenue Increase is between 73.5-110.2%

Estimated Probable Cost	$167.4M	$251.2M
Incremental Revenue Required	$15.72M	$22.86M
% Increase compared to current revenues	73.5%	110.2%

Assumed percent attributable to the Town =21%

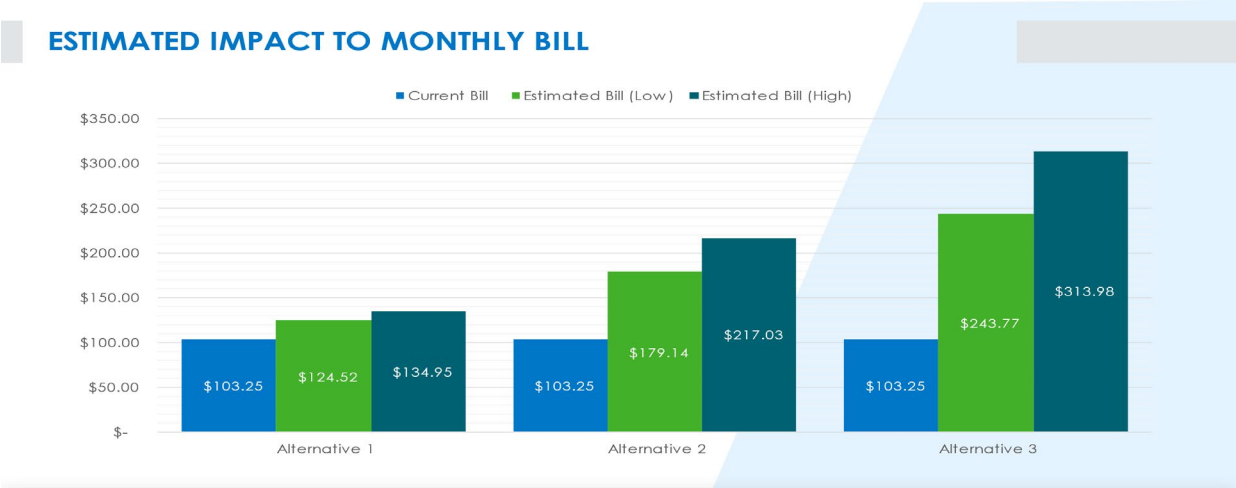
Alternative 3 (City of Lake Worth Beach)
Range of Required Revenue Increase is between 136.1-204.1%

Estimated Probable Cost	$310.0M	$465.0M
Incremental Revenue Required	$29.12M	$43.68M
% Increase compared to current revenues	136.1%	204.1%

Assumed percent attributable to the Town = 100%

Ms. Hollis presented the following estimated impact to the water bill which assumes a monthly usage of 24.7 CCF:

Alternative Description	**Estimated Range of Increase to Revenues**	**Incremental Impact to Monthly Bill**
Alternative 1 – Status Quo	20.6% – 30.7%	$21.27 - $31.70
Alternative 2 – City of WPB	73.5% - 110.2%	$75.89 - $113.78
Alternative 3 – City of LWB	136.1% - 204.1%	$140.52 - $210.73



- * Assumed Monthly Usage = 24.7 ccf

28

Responding to Member Crampton, Ms. Hollis stated that the calculations would not change even if an Authority was created. Chair Zeidman stated she did not have confidence in the numbers regarding West Palm Beach as those were not numbers submitted by that municipality. Mr. Lee, Kimley-Horn, then explained how the estimates were arrived at regarding the City of West Palm Beach.

After a brief discussion, it was decided that an Attorney would be retained to begin negotiations, find out from LWB and WPB if an Authority would be created to include the Town and the Town's role on the Authority.

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

.

The Finance and Taxation Committee meeting was adjourned at 11:25 AM without benefit of a Motion.

APPROVED:

_____
Margaret A. Zeidman, Chair

ATTEST

_____
Pat Gayle-Gordon, Deputy Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Public Hearings

Agenda Title
RESOLUTION NO. 035-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 125 Seagate Road, in the Town of Palm Beach, Florida.

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

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 035-2023**
- **Exhibit A**
- **Property Sketch**
- **Notice to Property Owner and Adjacent Owners**
- **Legal Ad**
- **Application**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Vacate and Abandon Existing Utility Easement at 125 Seagate Road
Resolution No. 035-2023

DATE: March 22, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 035-2023 authorizing the abandonment of existing public utility easements located at 125 Seagate Road.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easement at125 Seagate Road. The easement to be abandoned is shown as Exhibit A, Sketch and Legal description of the proposed Resolution. An application fee of $1,200 was received with the application for abandonment to cover direct costs and processing by the Town.

All undergrounding in the area has been completed. All existing utilities within portions of the easements proposed to be abandoned have provided consent. The utility easement located at 125 Seagate Road as described in Exhibit A is no longer necessary, and does not serve a public purpose.

Information packages were sent to the 41 neighboring property owners within 300 feet of the easement to be abandoned via certified mail on March 13, 2023. To date, two (2) responses have been received from the neighboring property owners requesting clarification as well as additional information on the easement abandonment process. No objections were received. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of existing utility easement, and no property is being gained by the owner. Therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

RESOLUTION NO. 035-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING AN EXISTING PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY COMMONLY KNOWN AS 125 SEAGATE ROAD, IN THE TOWN OF PALM BEACH, FLORIDA.

WHEREAS, the owner of the land hereinafter described is planning on further developing 125 Seagate Road with improvements that could potentially traverse the existing public utility easement; and

WHEREAS, all utility providers of said easement have agreed to the abandonment of the existing public utility easement; and

WHEREAS, all undergrounding in the area has been completed; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easement located on 125 Seagate Road as described in Exhibit A attached is no longer necessary, does not serve any public purpose, nor is it necessary for public use; and

WHEREAS, the owner is responsible for all fees related to implementing the vacating and abandoning of the existing utility easement including recording fees.

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 easements described and illustrated on Exhibit A, sketch and legal description for 125 Seagate Road, are hereby vacated and abandoned.

Section 3. The Town Clerk is hereby authorized to advertise and record this resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

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

EXHIBIT A

SKETCH AND DESCRIPTION

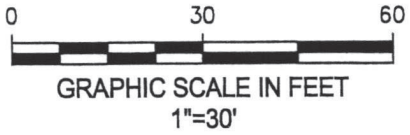
EASEMENT ABANDONMENT

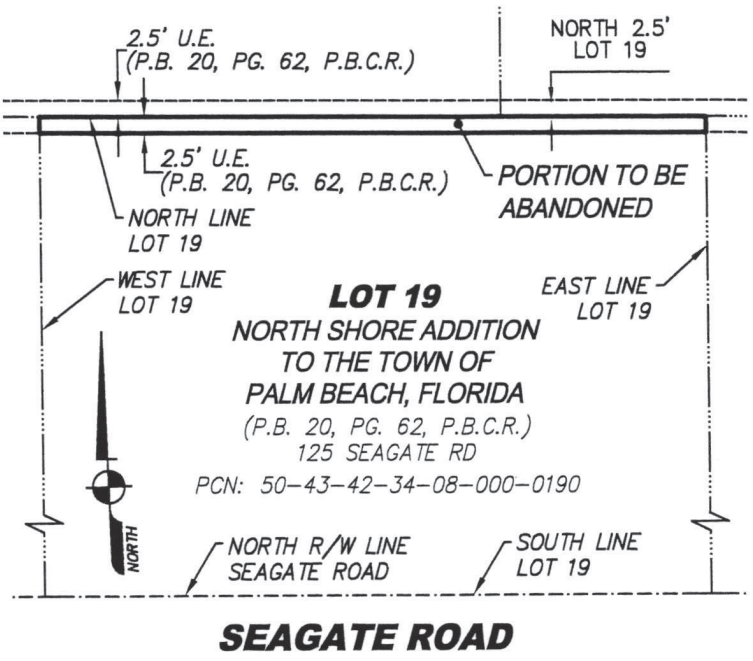
PORTION OF LOT 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA
(P.B. 20, PG. 62, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

The north 2.5 feet of Lot 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 263 square feet, more or less.





SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: L.B. = Licensed Business; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG. = Page; P.S.M. = Professional Surveyor & Mapper; R/W = Right of Way; U.E. = Utility Easement.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472, Florida Statutes.

Date: 10/3/2022

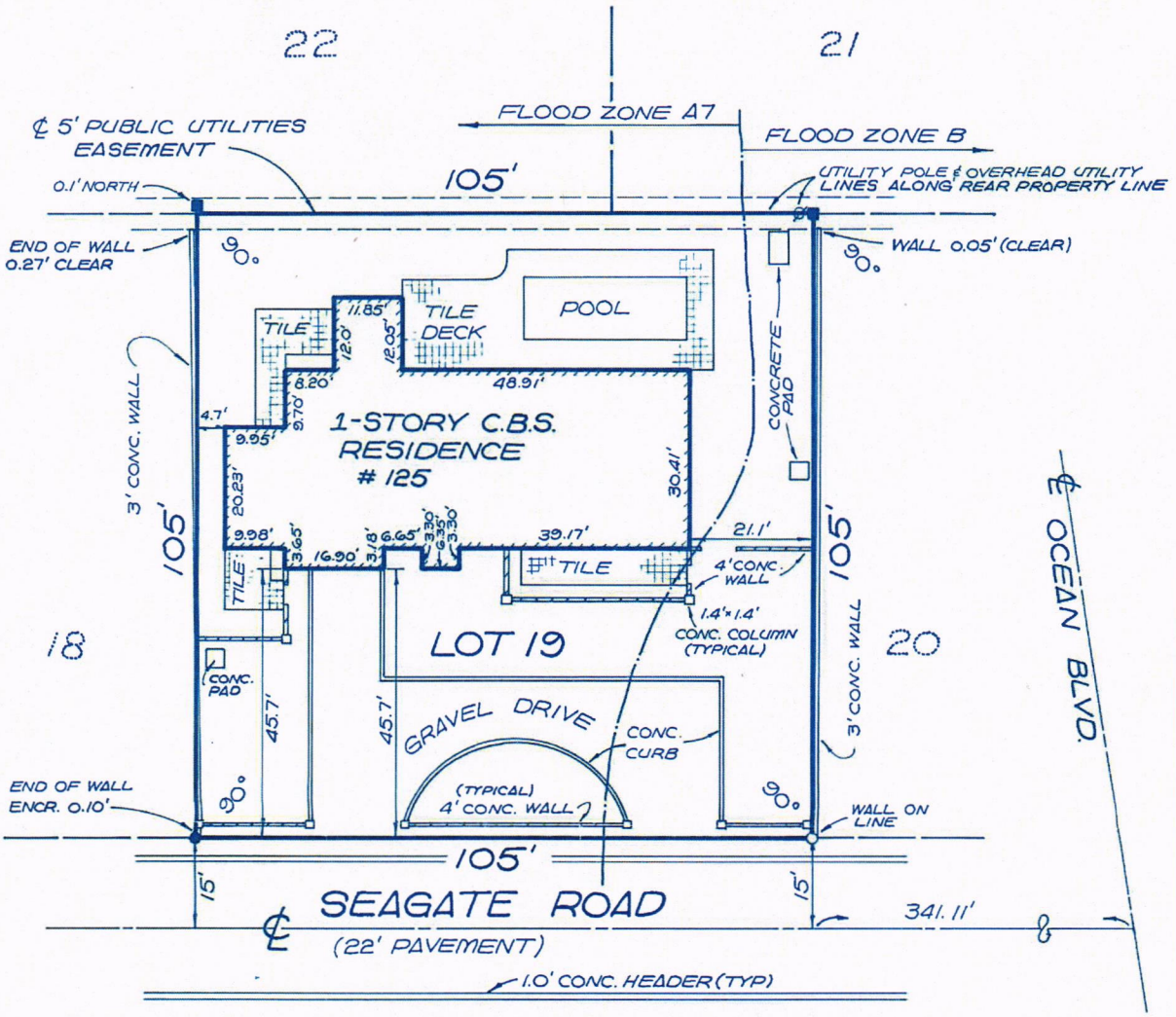
MICHAEL J. AVIROM, P.S.M.
Florida Registration No. 7253
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS	AVIROM & ASSOCIATES, INC.	JOB #:	12607
	SURVEYING & MAPPING	SCALE:	1" = 30'
	50 S.W. 2nd AVENUE, SUITE 102	DATE:	10/3/2022
	BOCA RATON, FLORIDA 33432	BY:	M.J.A.
	(561) 392-2594 / www.AVIROMSURVEY.com	CHECKED:	D.E.B.
	©2022 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.	F.B. -	PG. -
		SHEET:	1 OF 1

04-03-2023 TCM Backup

321519

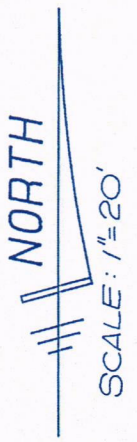
BOUNDARY SURVEY FOR : CORNELIA & RALPH HEINS



LEGEND

- o = No. 5 ROD & CAP SET ("WSC")
- □ = 4"×4" CONCRETE MONUMENT FOUND
- ● = ROD & CAP FOUND ("ADAIR & BRADY")

ENCR. = ENCROACH



WALLACE SURVEYING CORPORATION
9176 ALTERNATE A1A, LAKE PARK, FLORIDA 33403 • 407/842-4233

FIELD: F.G.	JOB NO: 91-1114	F.B. PB14 PG. 24
OFFICE: R.C.	DATE: 4/29/91	DWG. NO.: 91-1114
C'K'D:	REF:	SHEET 2 OF 2

TOWN OF PALM BEACH

Public Works Department

NOTIFICATION TO ADJACENT PROPERTY OWNERS

March 13, 2023

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Parcel No.

RE: TOWN OF PALM BEACH ABANDONMENT OF UTILITY EASEMENT AT 125 SEAGATE ROAD, PALM BEACH, FL 33480

All property owners within a three hundred-foot (300 ft.) radius of the subject property are hereby notified by mail of the proposed abandonment of utility easements on the subject property.

This notice is being provided to you in conjunction with the review by the Town Council regarding this matter.

Please be advised, the Town Council will consider the following matter at the next Town Council Meeting on **Monday, April 3, 2023.** The meeting will begin at 9:30 a.m. in the Council Chambers, 360 South County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

This notification is not intended to solicit your approval or disapproval. If you desire, you may file your comments in writing via email to: 125seagateroad.easement@townofpalmbeach.com, prior to the meeting, or you may attend the meeting to speak on the matter. The Town Council meeting may also be available to attend virtually, please refer to the Town of Palm Beach website.

Subject Property Address: 125 Seagate Road, Palm Beach, Florida 33480

Applicant: Ralph & Cornelia Heins

Project Description: Abandonment of Existing Public Utility Easement

If I can be of further assistance, please contact me by phone at (561) 227-7042 or email at chauschild@townofpalmbeach.com.

Sincerely,

Craig A. Hauschild, P.E., Civil Engineer

cc: Public Works File

LEGAL ADVERTISEMENT

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Palm Beach, Palm Beach, Florida, at a regular meeting to be held on Monday, April 3, 2023, beginning at 9:30 a.m., in the Council Chambers of the Town Hall, 360 South County Road, Palm Beach, Florida, will have on the agenda the following:

PETITION FOR THE ABANDONMENT OF A UTILITY EASEMENT LOCATED AT 125 SEAGATE ROAD, PALM BEACH, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PUBLIC UTILITY EASEMENT TO BE ABANDONED:
The north 2.5 feet of Lot 19, North Shore Addition to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida.

This application for abandonment has been filed by:
Ralph and Cornelia Heins, 125 Seagate Road, Palm Beach, Florida, 33480. A copy of the application is on file with the Town of Palm Beach, Public Works Department, and will be provided upon request or may be examined between the hours of 8:30 a.m. to 4:30 p.m. at 951 Okeechobee Road, Suite A, West Palm Beach, Florida 33401.

ALL PERSONS INTERESTED in this matter may appear before the Town Council of the Town of Palm Beach at the time and place aforesaid and be heard.

SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SAID PARTY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, 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 BEING BASED, 286.0105 F.S.S.

H. Paul Brazil, P.E.
Director, Department of Public Works
Town of Palm Beach
PUBLISHED BY: Palm Beach Post

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 00015834-00001
Writer's Direct Dial Number: (561) 650-0752
Writer's Direct Fax Number: 561-655-5677
Writer's E-Mail Address: jlindgren@gunster.com

February 20, 2023

Craig A. Hauschild, P.E., CFM
Town of Palm Beach Civil Engineer
360 South County Road
Palm Beach, FL 33480

Re: Rear Easement Abandonment for 125 Seagate Road, Palm Beach, FL 33480

Dear Mr. Hauschild:

Please accept the attached application for the abandonment of the 2.5-foot utility easement in the rear of the 125 Seagate Road property, which is no longer necessary, because the utilities servicing this property and others in this general area have been relocated to the front of the properties, and buried in these locations as part of the Town of Palm Beach's undergrounding of utilities project. Included in our application are the authorizations from the various utility holders, as well as a survey of the entire property, and a sketch and legal description for the easement to be abandoned. We wish that our application for easement abandonment be put on the next available Town Council meeting so that the Town Council can approve the easement abandonment. Please feel free to contact me if you have any questions, and thank you for your time.

Sincerely,

John Lindgren
John Lindgren, AICP

Enclosures

cc: Client
Richard D. Holt, Attorney
James M. Crowley, Attorney

ACTIVE:16639044.1

TOWN OF PALM BEACH
ABANDONMENT OF DEDICATED PUBLIC PROPERTY
(RIGHT-OF-WAY AND EASEMENTS)
A pre-application meeting with the Public Works Department (Town Engineer) is required prior to submission of application for abandonment of dedicated public property.

Application Form

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements," please complete this application for Abandonment of Dedicated Public Property. Submit an application fee of $1,200.00 and one original plus twenty (20) copies of the signed application to the Director of Public Works, Town of Palm Beach, 951 Okeechobee Road, West Palm Beach, FL 33401. A privilege fee of 100 percent of the total land value of the petitioned site may be required upon approval of the application by the Town Council, and a portion of the application fee may be credited towards the privilege fee.

1. APPLICANT'S NAME: ADDRESS:

Ralph Heins — 125 Seagate Road

Cornelia Heins — 125 Seagate Road

2. TYPE OF PUBLIC PROPERTY TO BE ABANDONED (Easement or Right-of-Way):

Utility easement in rear yard

3. PROPERTY ADDRESS:

125 Seagate Road

4. LEGAL DESCRIPTION OF PETITIONED SITE: (**Provide legal description and a scaled map, drawing or plat showing the area involved and the location of the specific property of interest to be abandoned.** Label as "EXHIBIT A")

See "EXHIBIT A" attached.

5. REASON FOR ABANDONMENT REQUEST: (Use additional sheets, if necessary, and label as "EXHIBIT B")

Utilities have been moved from the rear of the property to a new easement in the front of the property; therefore, the rear easement is no longer necessary or needed, and no utility holders occupy or have facilities within the rear easement.

6. NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PETITIONED SITE: (Use additional sheets, if necessary, and label as "EXHIBIT C")

See "EXHIBIT C" attached.

7. ATTACH CONSENT LETTERS FROM **ALL** UTILITY PROVIDERS LISTED BELOW WHETHER THEY HAVE FACILITIES IN THE PETITIONED SITE OR NOT:

- ☐ AT&T - Telephone
- ☐ City of West Palm Beach -Water
- ☐ Comcast - Cable Services
- ☐ Florida Power & Light
- ☐ Florida Public Utilities - Gas
- ☐ Town of Palm Beach - Electrical Bureau
- ☐ Town of Palm Beach - Water Resources Div.
- Other: _____

CHECK-MARK (√) ONLY THOSE UTILITY PROVIDERS OCCUPYING THE PETITIONED SITE

8. APPLICANT'S SIGNATURE: 9. DATE:

I Certify that the information given in this application is true and correct to the best of my knowledge.

C. Heins, Jan 3rd 2023
R. Heins

Jan 3rd, 2023

STATE OF ~~FLORIDA~~ TEXAS
COUNTY OF ~~PALM BEACH~~ COLLIN

The foregoing instrument was acknowledged before me this 3 day of JANUARY, 2023, by RALPH & CORNELIA HEINS, who is personally known to me, or showed _____ (type of identification; i.e., driver's license number, etc.), and who did take an oath.

Sally St Romain
NOTARY PUBLIC - STATE OF ~~FLORIDA~~ TEXAS

(NOTARY SEAL)

SALLY ST .ROMAIN
My Notary ID # 4459776
Expires March 20, 2023

Print Name: SALLY ST. ROMAIN
My commission expires:

For Use by Public Works Department

CHECK NO.: 29397 TOWN COUNCIL HEARING: April 3, 2023

AMOUNT OF CHECK: $1,200 DATE: 2/22/2023 RESOLUTION #: _____

RECEIVED BY : Lynne Menniti Approved: _____ Denied: _____

EXHIBIT A

SKETCH AND DESCRIPTION
EASEMENT ABANDONMENT

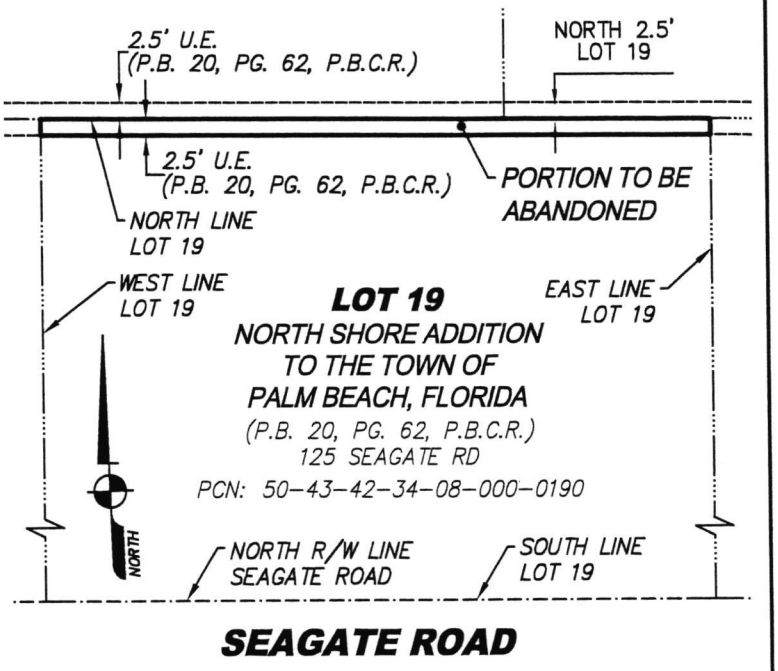
PORTION OF LOT 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA
(P.B. 20, PG. 62, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

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Said land lying in Palm Beach County, Florida and contains 263 square feet, more or less.





SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: L.B. = Licensed Business; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG. = Page; P.S.M. = Professional Surveyor & Mapper; R/W = Right of Way; U.E. = Utility Easement.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472, Florida Statutes.

Date: 10/3/2022

MICHAEL J. AVIROM, P.S.M.
Florida Registration No. 7253
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS
04-03-2023 TCM Backup

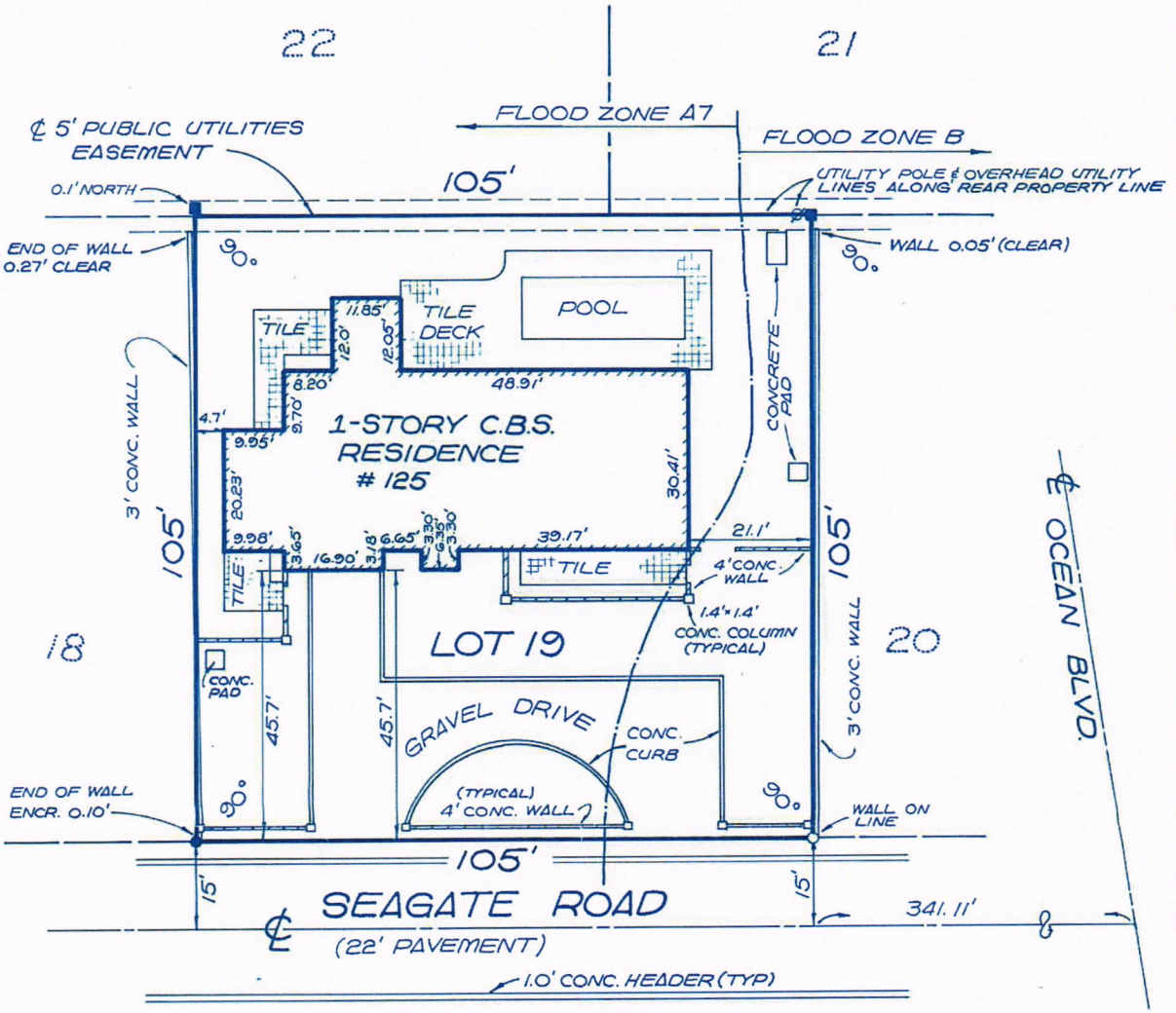
AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
(561) 392-2594 / www.AVIROMSURVEY.com

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JOB #:	12607
SCALE:	1" = 30'
DATE:	10/3/2022
BY:	M.J.A.
CHECKED:	D.E.B.
F.B. - PG.	-
SHEET:	1 OF 1

321519

BOUNDARY SURVEY FOR : CORNELIA & RALPH HEINS



LEGEND

- o = No. 5 ROD & CAP SET ("WSC")
- □ = 4"x4" CONCRETE MONUMENT FOUND
- ● = ROD & CAP FOUND ("ADAIR & BRADY")

ENCR. = ENCROACH

NORTH

SCALE: 1" = 20'

WALLACE SURVEYING CORPORATION
9176 ALTERNATE A1A, LAKE PARK, FLORIDA 33403 • 407/842-4233

FIELD: F.G.	JOB NO: 91-1114	F.B. PB14 PG. 24
OFFICE: R.C.	DATE: 4/29/91	DWG. NO: 91-1114
C'K'D:	REF:	SHEET 2 OF 2

"EXHIBIT C"

Property Appraiser GIS - Property Detail list by parcel control number

Buffer:

50434234080000190
HEINS RALPH &
8400 BELLEVIEW DR STE 130

PLANO TX 75024 0428

Acres	0.25	Sales instr	WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 19
Value $	3,860,198.00	Price	$ 526,000.00	PUSE SINGLE FAMILY	
Taxbl $	2,661,660.00	Date	5/1/1991 1	TaxDist 50411	
Bldg $	13,520.00	Book	06861		
Land $	3,846,678.00	Page	0466	NAV	

Buffer: 300

50434234080000011
POHRER GARY B JR &
1356 N OCEAN BLVD

PALM BEACH FL 33480 3157

Acres	0.24	Sales instr	WD	MTG	NORTH SHORE ADD TO PALM BEACH
Value $	7,196,348.00	Price	$ 5,715,000.00	PUSE SINGLE FAMILY	LT 1 (LESS W 101.5 FT)
Taxbl $	6,646,348.00	Date	10/28/2021	TaxDist 50411	
Bldg $	1,249,308.00	Book	33023		
Land $	5,947,040.00	Page	306	NAV	

50434234080000012
MUSSO CARLOS SR
480 CASUARINA CONCOURSE

MIAMI FL 33143 6402

Acres	0.24	Sales instr	WD	MTG	NORTH SHORE ADD TO PALM BEACH W 101.5 FT OF LT 1 & E 3 FT OF
Value $	4,060,170.00	Price	$ 2,845,250.00	PUSE SINGLE FAMILY	LT 7
Taxbl $	2,612,922.00	Date	1/27/2016	TaxDist 50411	
Bldg $	428,825.00	Book	28082		
Land $	3,631,345.00	Page	216	NAV	

50434234080000020
HENRY KATHERINE J &
3600 ARMSTRONG AVE

DALLAS TX 75205 3923

Acres	0.27	Sales instr	WD	MTG	NORTH SHORE ADDN TO PALM BEACH LT 2-A &
Value $	6,750,848.00	Price	$ 10.00	PUSE SINGLE FAMILY	NORTH SHORE ADDN REPL PB24P237 LT 2-B
Taxbl $	4,700,896.00	Date	3/11/2020	TaxDist 50411	
Bldg $	803,808.00	Book	31301		
Land $	5,947,040.00	Page	365	NAV	

50434234080000030
REESE D V
108 DOLPHIN RD

PALM BEACH FL 33480 3106

Acres	0.53	Sales instr		MTG	NORTH SHORE ADDN TO PALM BEACHLT 3-A &
Value $	17,159,213.00	Price	$	PUSE SINGLE FAMILY	NORTH SHORE ADDN REPL PB24P237LTS 3-B & 3-C
Taxbl $	5,745,934.00	Date		TaxDist 50411	
Bldg $	7,129,578.00	Book			
Land $	10,029,635.00	Page		NAV	

Property Appraiser GIS - Property Detail list by parcel control number

50434234080000040	Acres 0.25	Sales instr WD	MTG	NORTH SHORE ADDN TO PALM BEACHLT 4-A &
ACKERMAN IRWIN B	Value $ 5,947,040.00	Price $6,100,000.00	PUSE VACANT	NORTH SHORE ADDN REPL PB24P237LT 4-B
107 DOLPHIN RD	Taxbl $ 4,210,800.00	Date 8/13/2012	TaxDist 50411	
	Bldg $ 0.00	Book 25396		
PALM BEACH FL 33480 3105	Land $ 5,947,040.00	Page 882	NAV	
50434234080000050	Acres 0.82	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH
DUNCKER CHARLES STEVEN &	Value $ 34,424,988.00	Price $10.00	PUSE SINGLE FAMILY	LTS 5, 5-A & 35
102 REEF RD	Taxbl $ 13,826,786.00	Date 1/29/2018	TaxDist 50411	
	Bldg $ 20,096,938.00	Book 29620		
PALM BEACH FL 33480 3059	Land $ 14,328,050.00	Page 563	NAV	
50434234080000070	Acres 0.27	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 7 /LESS E 3 FT/
HIRT TRACEY L TRUST	Value $ 5,892,385.00	Price $6,700,000.00	PUSE SINGLE FAMILY	
120 SEAGATE RD	Taxbl $ 5,892,385.00	Date 3/24/2021	TaxDist 50411	
	Bldg $ 1,855,502.00	Book 32329		
PALM BEACH FL 33480 3137	Land $ 4,036,883.00	Page 1380	NAV	
50434234080000080	Acres 0.24	Sales instr QC	MTG	NORTH SHORE ADD TO PALM BEACH LT 8
NICOLETTE ANTHONY J JR &	Value $ 3,691,069.00	Price $10.00	PUSE SINGLE FAMILY	
124 SEAGATE RD	Taxbl $ 1,251,533.00	Date 2/9/2007 1	TaxDist 50411	
	Bldg $ 10,864.00	Book 21400		
PALM BEACH FL 33480 3137	Land $ 3,680,205.00	Page 1928	NAV	
50434234080000090	Acres 0.24	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 9
AVMAG LLC	Value $ 7,004,407.00	Price $10,890,000.00	PUSE SINGLE FAMILY	
PO BOX 570	Taxbl $ 3,160,290.00	Date 6/28/2022	TaxDist 50411	
	Bldg $ 3,308,497.00	Book 33690		
RANCHO SANTA FE CA 92067 0570	Land $ 3,695,910.00	Page 1445	NAV	
50434234080000100	Acres 0.24	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 10
COONEY JOHN F JR &	Value $ 4,243,486.00	Price $10.00	PUSE SINGLE FAMILY	
140 SEAGATE RD	Taxbl $ 2,530,537.00	Date 7/14/2020	TaxDist 50411	
	Bldg $ 532,220.00	Book 31576		
PALM BEACH FL 33480 3137	Land $ 3,711,266.00	Page 345	NAV	

Property Appraiser GIS - Property Detail list by parcel control number

50434234080000110	Acres 0.25	Sales instr WD		MTG	NORTH SHORE ADD TO PALM BEACH LT 11
ALADINO JOANNE	Value $ 3,735,793.00	Price $1,890,000.00		PUSE SINGLE FAMILY	
148 SEAGATE RD	Taxbl $ 1,846,745.00	Date 2/5/2014 1		TaxDist 50411	
	Bldg $ 9,171.00	Book 26602			
PALM BEACH FL 33480 3137	Land $ 3,726,622.00	Page 1641		NAV	
50434234080000160	Acres 0.25	Sales instr WD		MTG	NORTH SHORE ADD TO PALM BEACH LT 16
KAUFMAN BRADFORD D &	Value $ 4,870,406.00	Price $547,000.00		PUSE SINGLE FAMILY	
151 SEAGATE RD	Taxbl $ 792,553.00	Date 9/1/1998 1		TaxDist 50411	
	Bldg $ 1,023,728.00	Book 10625			
PALM BEACH FL 33480 3136	Land $ 3,846,678.00	Page 0653		NAV	
50434234080000170	Acres 0.25	Sales instr QC		MTG	NORTH SHORE ADD TO PALM BEACH LT 17
AIKEN KHOOSHE	Value $ 4,153,580.00	Price $10.00		PUSE SINGLE FAMILY	
145 SEAGATE RD	Taxbl $ 833,669.00	Date 8/4/2015 1		TaxDist 50411	
	Bldg $ 306,902.00	Book 28071			
PALM BEACH FL 33480 3136	Land $ 3,846,678.00	Page 608		NAV	
50434234080000180	Acres 0.25	Sales instr WD		MTG	NORTH SHORE ADD TO PALM BEACH LT 18
ASPLUNDH SCOTT M &	Value $ 6,280,347.00	Price $5,724,429.00		PUSE SINGLE FAMILY	
1591 HAMPTON RD	Taxbl $ 4,026,201.00	Date 2/15/2018		TaxDist 50411	
	Bldg $ 2,433,669.00	Book 29659			
JENKINTOWN PA 19046 1245	Land $ 3,846,678.00	Page 488		NAV	
50434234080000200	Acres 0.29	Sales instr WD		MTG	NORTH SHORE ADD TO PALM BEACH LOT 20
ONE NINETEEN REALTY TRUST	Value $ 4,349,183.00	Price $1,000,000.00		PUSE SINGLE FAMILY	
241 SANFORD AVE	Taxbl $ 2,999,547.00	Date 7/26/2004		TaxDist 50411	
	Bldg $ 11,811.00	Book 17316			
PALM BEACH FL 33480 3619	Land $ 4,337,372.00	Page 1404		NAV	
50434234080000210	Acres 0.28	Sales instr QC		MTG	NORTH SHORE ADD TO PALM BEACH LT 21
CROSSEN DONNA &	Value $ 4,893,319.00	Price $10.00		PUSE SINGLE FAMILY	
118 DOLPIN RD	Taxbl $ 784,510.00	Date 8/20/2009		TaxDist 50411	
	Bldg $ 631,331.00	Book 23417			
PALM BEACH FL 33480 3106	Land $ 4,261,988.00	Page 1834		NAV	

Property Appraiser GIS - Property Detail list by parcel control number

50434234080000220 BURDETT ARTHUR C & 126 DOLPHIN RD PALM BEACH FL 33480 3106	Acres 0.25 Value $ 4,386,681.00 Taxbl $ 913,097.00 Bldg $ 539,654.00 Land $ 3,847,027.00	Sales instr WD Price $88,000.00 Date 10/31/1973 Book 2233 Page 1995	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD TO PALM BEACH LT 22
50434234080000230 BLUESKY2SEA LLC 125 STRAFFORD AVE STE 112 WAYNE PA 19087 3335	Acres 0.25 Value $ 3,847,027.00 Taxbl $ 2,655,441.00 Bldg $ 0.00 Land $ 3,847,027.00	Sales instr WD Price $3,330,000.00 Date 7/27/2018 Book 30035 Page 1777	MTG PUSE VACANT TaxDist 50411 NAV	NORTH SHORE ADD TO PALM BEACH LT 23
50434234080000240 BYLIN ERIC M & 140 DOLPHIN RD PALM BEACH FL 33480 3106	Acres 0.25 Value $ 4,384,959.00 Taxbl $ 1,382,228.00 Bldg $ 537,932.00 Land $ 3,847,027.00	Sales instr WD Price $1,339,000.00 Date 7/30/2002 Book 14012 Page 1331	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD TO PALM BEACH LT 24
50434234080000250 KEYES MARGARET J TRUST 152 DOLPHIN RD PALM BEACH FL 33480 3106	Acres 0.25 Value $ 9,432,822.00 Taxbl $ 5,846,963.00 Bldg $ 5,585,795.00 Land $ 3,847,027.00	Sales instr WD Price $14,349,750.00 Date 8/19/2022 Book 33805 Page 605	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD TO PALM BEACH LT 25
50434234080000290 KLAINE KATHERINE S 157 DOLPHIN RD PALM BEACH FL 33480 3105	Acres 0.51 Value $ 10,158,810.00 Taxbl $ 2,192,068.00 Bldg $ 1,561,065.00 Land $ 8,597,745.00	Sales instr QC Price $10.00 Date 2/13/2003 Book 14800 Page 970	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD TO PALM BEACH LTS 29 & 30
50434234080000310 SJM TRUST & 158 ALEXANDRA BLVD TORONTO ON M4R 1M4 CANADA	Acres 0.25 Value $ 4,343,104.00 Taxbl $ 2,820,710.00 Bldg $ 496,077.00 Land $ 3,847,027.00	Sales instr WD Price $2,375,000.00 Date 5/1/2012 1. Book 25177 Page 278	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD TO PALM BEACH LT 31

Property Appraiser GIS - Property Detail list by parcel control number

50434234080000320	Acres 0.25	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 32
RECORI HELEN W	Value $ 5,098,668.00	Price $457,000.00	PUSE SINGLE FAMILY	
133 DOLPHIN RD	Taxbl $ 1,351,672.00	Date 12/4/1998	TaxDist 50411	
	Bldg $ 1,251,641.00	Book 10790		
PALM BEACH FL 33480 3105	Land $ 3,847,027.00	Page 1205	NAV	
50434234080000330	Acres 0.25	Sales instr DT	MTG	NORTH SHORE ADD TO PALM BEACH LT 33
CARNEY PATRICK	Value $ 6,250,511.00	Price $12,200,000.00	PUSE SINGLE FAMILY	
125 DOLPHIN RD	Taxbl $ 5,700,511.00	Date 5/19/2021	TaxDist 50411	
	Bldg $ 2,403,484.00	Book 32502		
PALM BEACH FL 33480 3105	Land $ 3,847,027.00	Page 1969	NAV	
50434234080000340	Acres 0.28	Sales instr DT	MTG	NORTH SHORE ADD TO PALM BEACH LT 34
BURNY JOAN ABBOTT	Value $ 4,666,985.00	Price $10.00	PUSE SINGLE FAMILY	
117 DOLPHIN RD	Taxbl $ 894,111.00	Date 3/15/2021	TaxDist 50411	
	Bldg $ 416,165.00	Book 32334		
PALM BEACH FL 33480 3105	Land $ 4,250,820.00	Page 1347	NAV	
50434234080000360	Acres 0.25	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 36
DOYLE ELYSIA ANN &	Value $ 7,496,741.00	Price $2,550,000.00	PUSE SINGLE FAMILY	
130 REEF RD	Taxbl $ 7,446,741.00	Date 5/14/2019	TaxDist 50411	
	Bldg $ 3,649,365.00	Book 30621		
PALM BEACH FL 33480 3059	Land $ 3,847,376.00	Page 288	NAV	
50434234080000370	Acres 0.25	Sales instr RD	MTG	NORTH SHORE ADD TO PALM BEACH LT 37
STEPAN BONNIE W &	Value $ 3,867,254.00	Price $375,000.00	PUSE SINGLE FAMILY	
136 REEF RD	Taxbl $ 1,150,590.00	Date 6/1/1988 1.	TaxDist 50411	
	Bldg $ 19,878.00	Book 05720		
PALM BEACH FL 33480 3059	Land $ 3,847,376.00	Page 0182	NAV	
50434234080000380	Acres 0.25	Sales instr WD	MTG	NORTH SHORE ADD TO PALM BEACH LT 38
AZQUETA JESUS J &	Value $ 4,126,784.00	Price $430,000.00	PUSE SINGLE FAMILY	
144 REEF RD	Taxbl $ 1,023,846.00	Date 12/1/1996	TaxDist 50411	
	Bldg $ 279,408.00	Book 09587		
PALM BEACH FL 33480 3059	Land $ 3,847,376.00	Page 0500	NAV	

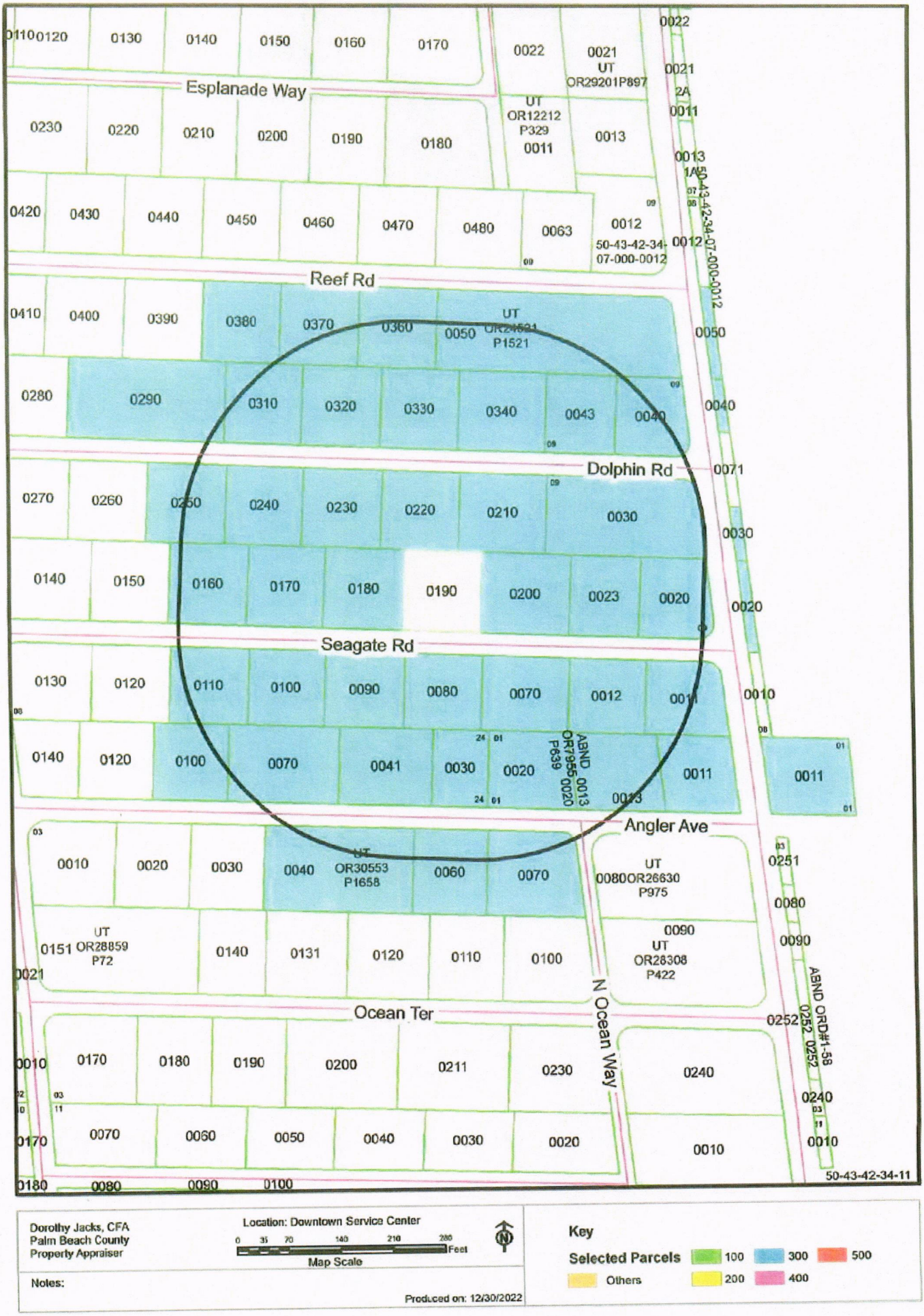
Property Appraiser GIS - Property Detail list by parcel control number

50434234090000023 BERTELSON LISA S TR & 77 SUMMER ST WESTON MA 02493 2478	Acres 0.23 Value $ 6,765,884.00 Taxbl $ 5,482,360.00 Bldg $ 3,275,884.00 Land $ 3,490,000.00	Sales instr WD Price $4,200,000.00 Date 5/20/2014 Book 26806 Page 704	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD REPL	LT 2-C
50434234090000043 ACKERMAN IRWIN B 107 DOLPHIN RD PALM BEACH FL 33480 3105	Acres 0.23 Value $ 3,792,895.00 Taxbl $ 1,804,392.00 Bldg $ 302,895.00 Land $ 3,490,000.00	Sales instr WD Price $6,100,000.00 Date 8/13/2012 Book 25396 Page 882	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	NORTH SHORE ADD REPL	LT 4-C
50434303010000011 BRYAN F WILLIAM & 1350 N OCEAN BLVD PALM BEACH FL 33480 3146	Acres 0.47 Value $ 7,720,461.00 Taxbl $ 3,462,575.00 Bldg $ 1,773,421.00 Land $ 5,947,040.00	Sales instr WD Price $3,732,000.00 Date 6/1/2005 1. Book 18698 Page 5	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	CAYUGA ESTATES PL 1	E 1/2 OF LT 1 & LT 1-A
50434303010000013 RODDY III EDWARD U 109 ANGLER AVE PALM BEACH FL 33480 3101	Acres 0.28 Value $ 4,828,407.00 Taxbl $ 540,650.00 Bldg $ 626,796.00 Land $ 4,201,611.00	Sales instr QC Price $100.00 Date 5/1/1988 1. Book 05732 Page 0241	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	CAYUGA ESTS PL 1 W 1/2 OF LT 1 & E 1/2 OF ABND PT OF OCEAN WAY LYG W OF & ADJ TO	
50434303010000020 MAGGIO MATTHEW A 201 ANGLER AVE PALM BEACH FL 33480 3103	Acres 0.26 Value $ 4,917,504.00 Taxbl $ 2,666,122.00 Bldg $ 990,207.00 Land $ 3,927,297.00	Sales instr WD Price $1,580,000.00 Date 6/15/2011 Book 24581 Page 1018	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	CAYUGA ESTS PL 1 LT 2 & W 1/2 OF ABND PT OF OCEAN WAY LYG E OF & ADJ TO	
50434303030000040 GLICK ADAM & 216 ANGLER AVE PALM BEACH FL 33480 3104	Acres 0.52 Value $ 19,890,538.00 Taxbl $ 19,890,538.00 Bldg $ 10,028,938.00 Land $ 9,861,600.00	Sales instr WD Price $10.00 Date 6/21/2022 Book 33661 Page 1325	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	OCEAN TERRACE LTS 4 & 5	

Property Appraiser GIS - Property Detail list by parcel control number

50434303030000060	Acres 0.26	Sales instr WD	MTG	OCEAN TERRACE LT 6		
GRACE EDWARD P III	Value $ 6,117,817.00	Price $ 2,500,000.00	PUSE SINGLE FAMILY			
208 ANGLER AVE	Taxbl $ 2,681,950.00	Date 12/5/2014	TaxDist 50411			
	Bldg $ 2,172,721.00	Book 27207				
PALM BEACH FL 33480 3104	Land $ 3,945,096.00	Page 874	NAV			
50434303030000070	Acres 0.32	Sales instr QC	MTG	OCEAN TERRACE	LT 7	
BRESNAN FRANCIS X &	Value $ 6,156,048.00	Price $ 10.00	PUSE SINGLE FAMILY			
202 ANGLER AVE	Taxbl $ 1,422,317.00	Date 8/26/2013	TaxDist 50411			
	Bldg $ 1,062,398.00	Book 26283				
PALM BEACH FL 33480 3104	Land $ 5,093,650.00	Page 1816	NAV			
50434303240000030	Acres 0.17	Sales instr WD	MTG	CAYUGA ESTATES PL 2	LT 3 & E 1/2 OF LT 4	
WHITMAN J SPENCER TRUST	Value $ 3,572,408.00	Price $ 7,031,000.00	PUSE SINGLE FAMILY			
209 ANGLER AVE	Taxbl $ 3,117,069.00	Date 3/23/2022	TaxDist 50411			
	Bldg $ 948,626.00	Book 33424				
PALM BEACH FL 33480 3103	Land $ 2,623,782.00	Page 947	NAV			
50434303240000041	Acres 0.29	Sales instr WD	MTG	CAYUGA ESTATES PL 2	W 1/2 OF LT 4 & LTS 5 & 6	
CHAO SHERMAN &	Value $ 6,556,262.00	Price $ 2,800,000.00	PUSE SINGLE FAMILY			
215 ANGLER AVE	Taxbl $ 2,599,420.00	Date 7/29/2011	TaxDist 50411			
	Bldg $ 2,177,010.00	Book 24663				
PALM BEACH FL 33480 3103	Land $ 4,379,252.00	Page 1116	NAV			
50434303240000070	Acres 0.35	Sales instr WD	MTG	CAYUGA ESTATES PL 2	LTS 7 TO 9 INC	
THOMAS BYRON F JR &	Value $ 10,243,344.00	Price $ 4,365,000.00	PUSE SINGLE FAMILY			
227 ANGLER AVE	Taxbl $ 4,337,682.00	Date 6/10/2013	TaxDist 50411			
	Bldg $ 4,527,644.00	Book 26114				
PALM BEACH FL 33480 3103	Land $ 5,715,700.00	Page 576	NAV			
50434303240000100	Acres 0.23	Sales instr RD	MTG	CAYUGA ESTATES PL 2	LTS 10 & 11	
OPEN ARMS SOUTH LLC &	Value $ 4,146,317.00	Price $ 10.00	PUSE SINGLE FAMILY			
235 ANGLER AVE	Taxbl $ 4,146,317.00	Date 12/21/2021	TaxDist 50411			
	Bldg $ 636,424.00	Book 33267				
PALM BEACH FL 33480 3103	Land $ 3,509,893.00	Page 1009	NAV			

Property Appraiser GIS - Property Detail list by parcel control number


Esplanade Way
Reef Rd
Dolphin Rd
Seagate Rd
Angler Ave
Ocean Ter
N Ocean Way
ABND ORD#1-58
50-43-42-34-07-000-0012
50-43-42-34-11
UT OR29201P897
UT OR12212 P329
UT OR24521 P1521
UT OR30553 P1658
UT 0080OR26630 P975
UT OR28308 P422
UT 0151 OR28859 P72
ABND OR7955 P639 0020 0013
Dorothy Jacks, CFA
Palm Beach County
Property Appraiser
Location: Downtown Service Center
0 35 70 140 210 280 Feet
Map Scale
Notes:
Produced on: 12/30/2022
Key
Selected Parcels
Others
100
200
300
400
500

LETTERS FROM UTILITIES

Lindgren, John

From: BUCK, STEPHEN <sb0454@att.com>
Sent: Thursday, October 27, 2022 4:37 PM
To: DAVIS, DARRELL; Lindgren, John
Cc: Craig Hauschild
Subject: RE: Request for easement abandonment at 125 Seagate Road, Palm Beach, FL 33480
Attachments: No_Objection_125_Seagate_Road.docx

Good afternoon John,

AT&T has reviewed the proposed plat submitted by you and your company. AT&T does not object to the proposed project as indicated. As stated in the Town of Palm Beach Public Works Department Abandonment of Dedicated Public Easements form. This Utility company letterhead can be used in replacement to signing the abandonment form.

Thanks you see attached letter,

Stephen R. Buck

Six Sigma Green Belt
MGR. OPS. PLANNING & DESIGN SE/CA
Construction & Engineering-SE

AT&T
120 N K Street
Lake Worth, FL 33460
m 561-235-6551| ***sb0454@att.com***
Q-Me

All correspondence and coordination herein is with regards to BellSouth Telecommunications, LLC d/b/a AT&T Florida (ATT-D) which is not affiliated with or responsible for facilities owned and managed by AT&T Corp (ATT-T). Any questions with regards to ATT-T facilities should be addressed to Inquiries@pea-inc.net".This e-mail and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipient(s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.***

From: DAVIS, DARRELL <dd8715@att.com>
Sent: Tuesday, October 25, 2022 5:52 PM
To: Lindgren, John <JLindgren@gunster.com>; BUCK, STEPHEN <sb0454@att.com>
Cc: Craig Hauschild <chauschild@TownOfPalmBeach.com>
Subject: RE: Request for easement abandonment at 125 Seagate Road, Palm Beach, FL 33480

Steve- Where are you on this sign off? Thanks,Darrell

Darrell Davis
Area Manager - OSP Engineering Design

AT&T Construction and Engineering SE

AT&T
120 N K Street, Lake Worth, Florida 33460
M: 561.235.6551 | sb0454@att.com

John Lindgren, AICP
Planner Manager
Gunster Florida Law Firm for Business
Phillips Point, Suite 500 East
777 South Flagler Drive
West Palm Beach, FL 33401

October 27, 2022

RE: **No Objection**
Petition to abandonment of a 2.5 foot utility easement in the rear of property at 125 Seagate Road, Palm Beach, FL 33480.

PCN: 50-43-42-34-08-000-0190

Dear Mr. John Lindgren,

AT&T has reviewed the proposed plat submitted by you and your company. AT&T does not object to the proposed project as indicated. As stated in the Town of Palm Beach Public Works Department Abandonment of Dedicated Public Easements form. This Utility company letterhead can be used in replacement to signing the abandonment form.

This "no objection" is contingent upon no infringement upon AT&T's existing facilities that are in the area. If the petitioner wishes to relocate AT&T facilities, a suitable utility easement in a new location would be required and reimbursement to AT&T to relocate to that easement.

If you require additional information, please contact me at 561.235.6551 or sb0454@att.com.

Regards,

Stephen Buck

Stephen Buck
Manager, Wireline Access – Southeast, Florida Engineering
Outside Plant Design Engineer

EXHIBIT A

SKETCH AND DESCRIPTION
EASEMENT ABANDONMENT

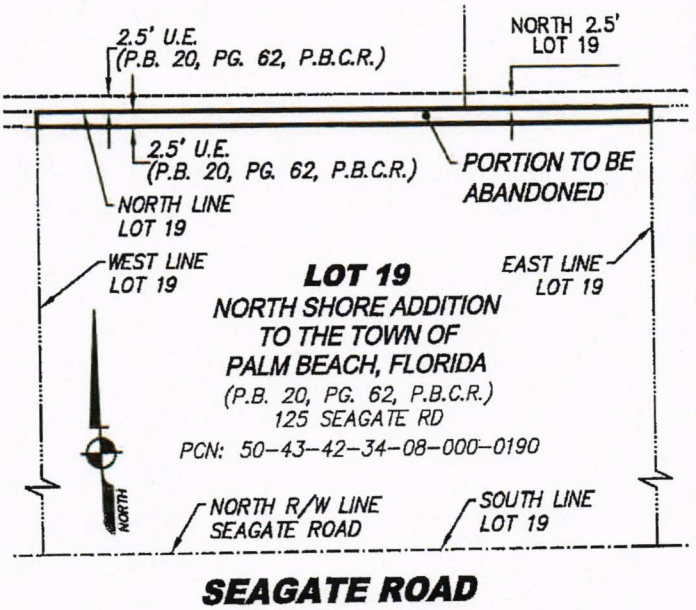
PORTION OF LOT 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA
(P.B. 20, PG. 62, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

The north 2.5 feet of Lot 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 263 square feet, more or less.





SURVEYOR'S REPORT:

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CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472, Florida Statutes.

Date: 10/3/2022

MICHAEL J. AVIROM, P.S.M.
Digitally signed by MICHAEL J. AVIROM, P.S.M.
Date: 2022.10.06 10:39:17 -04'00'

MICHAEL J. AVIROM, P.S.M.
Florida Registration No. 7253
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
(561) 392-2594 / www.AVIROMSURVEY.com

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JOB #:	12607
SCALE:	1" = 30'
DATE:	10/3/2022
BY:	M.J.A.
CHECKED:	D.E.B.
F.B. - PG.	-
SHEET:	1 OF 1

Town of Palm Beach

Public Works Department

Abandonment of Dedicated Public Easements

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements the following public utilities for which a separate "Letter of No Objection" is required are: Sanitary Sewer and Storm Sewer-Palm Beach Public Works Dept.; Public Works Electric-Palm Beach Public Works Dept.; Cable TV-Comcast; Franchised Electric Service Provider- FPL; Telephone-AT&T; Water-City of West Palm Beach Utilities Dept.; Gas-Florida Public Utilities. In the event there are no public utility objections, the applicant will be required to file an application form with the Town. The Town of Palm Beach, in its sole discretion, may reject any request for abandonment regardless of there being no utility company objections to the same.

TO: Vincent J. Noel, Engineering Land Development Manager, City of West Palm Beach – Water Utilities
Name of Easement Holder/Utility Company

ADDRESS: 401 Clematis Street, 4th Floor, West Palm Beach, FL 33401
Easement Holder/Utility Company

To whom it may concern:

I am the record title holder of property located at 125 Seagate Road

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements" the Town of Palm Beach, as part of the procedure for abandonment of utility easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility easement as outlined in this letter, please sign and date at the bottom and PROVIDE A LETTER OF NO OBJECTION and return via fax or email, and U.S. mail to the attention of John Lindgren, Gunster, 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401

For the abandonment of the easement on my property, the legal description of this property being:

Property Control No. 50-43-42-34-08-000-0190 Subdivision: North Shore Addition To Palm Beach Lot: 19

Block

Attached is a sketch and legal description illustrating the existing easement we are requesting to be abandoned (Exhibit "A").

I understand that your company will not be responsible in any way for vacated equipment in the easement.

Ralph Heins
Owner's Typed/Printed Name

R. Heins
Owner's Signature

********** DO NOT WRITE BELOW THIS LINE - THIS SECTION IS FOR UTILITY COMPANY'S USE ONLY **********

Please check off one (1) box below and complete on behalf of utility company.

ACKNOWLEDGMENT:

☑ We **agree** to the abandonment. Letter of NO OBJECTION attached.

☐ We **do not agree** and have a vested interest in the easement remaining.

City of W.P.B.
Name of Easement Holder

By: Vincent J. Noel

Title: Eng. Land Dev. Mgr.

Date: 10/19/22

Utilities - *Return completed forms to the contractor/requestor.*
Contractor/Requestor – *Return all forms with signed agreement to:*
Attn: Craig Hauschild
Town of Palm Beach – Planning, Zoning, & Building Dept.
360 South County Road
Palm Beach, FL 33408
Phone: (561) 227-7042 Fax: (561) 835-4621

To be completed by Notary Public to authenticate utility company's signatory, or the utility company's authorization must be provided on letterhead.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 19th day of October, 2022, by Vincent J. Noel who is personally known to me or produced _____ as identification.

(Signature of person taking acknowledgment)

SEAL

LATRESHIA HENRY
MY COMMISSION # GG-95
EXPIRES: June 9, 2024
Bonded Thru Notary Public Under

(Name of officer taking acknowledgment typed, printed or stamped)

(Title or rank)

(Serial number, if any)

N \Public Works\01 (511) ADMIN\FORMS\Engineering Agree's etc\Applications_Checklist_Agreement Blank Forms for_Easements_and_Abandonments\EASEMENT CONSENT FORM _ for utilities\Abandonment of Dedicated Public Easements - 2022-03-01

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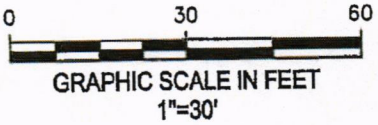
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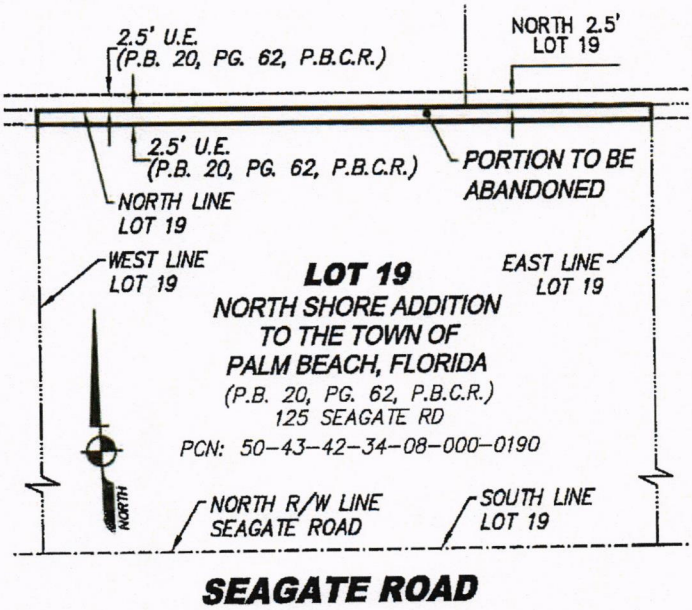
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Date: 10/3/2022

MICHAEL J. AVIROM, P.S.M.
Digitally signed by MICHAEL J. AVIROM, P.S.M.
Date: 2022.10.06 10:39:17 -04'00'

MICHAEL J. AVIROM, P.S.M.
Florida Registration No. 7253
AVIROM & ASSOCIATES, INC.
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JOB #:	12607
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DATE:	10/3/2022
BY:	M.J.A.
CHECKED:	D.E.B.
F.B. - PG.	-
SHEET:	1 OF 1

WEST PALM BEACH

Engineering Services

October 20,. 2022

Mr. John Lindgren
Gunster Florida's Law Firm for Business
Phillips Point, Suite 500 East
777 South Flagler Drive
West Palm Beach FL 33401

RE: Rear Easement Abandonment for 125 Seagate Road, Palm Beach. Florida 33480

Dear Mr. Lindgren:

Easement – Encroachment

The City has no objection to the abandonment of the 2.5 foot utility easement in the rear of the 125 Seagate Road property.

Please feel free to contact me at your convenience should you require any further assistance (561)494-1096 or VNoel@WPB.org.

Sincerely,

Vincent J. Noel, P.S.M.
Engineering Land Development Manager
Engineering Services Department
401 Clematis St., 4th Floor
West Palm Beach, FL 33401
Phone: 561-494-1096 Fax: 561-494-1116 Cell 561-644-7288
City's TTY Phone: 800-955-8771

Town of Palm Beach

Public Works Department

Abandonment of Dedicated Public Easements

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements the following public utilities for which a separate "Letter of No Objection" is required are: Sanitary Sewer and Storm Sewer-Palm Beach Public Works Dept.; Public Works Electric-Palm Beach Public Works Dept.; Cable TV-Comcast; Franchised Electric Service Provider- FPL; Telephone-AT&T; Water-City of West Palm Beach Utilities Dept.; Gas-Florida Public Utilities. In the event there are no public utility objections, the applicant will be required to file an application form with the Town. The Town of Palm Beach, in its sole discretion, may reject any request for abandonment regardless of there being no utility company objections to the same.

TO: Daniel Tiburcio and Vanessa Guerrero, Comcast Cable – PBC Construction Department
Name of Easement Holder/Utility Company

ADDRESS: 10435 Ironwood Road, Palm Beach Gardens, FL 33410
Easement Holder/Utility Company

To whom it may concern:

I am the record title holder of property located at 125 Seagate Road

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements" the Town of Palm Beach, as part of the procedure for abandonment of utility easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility easement as outlined in this letter, please sign and date at the bottom and PROVIDE A LETTER OF NO OBJECTION and return via fax or email, and U.S. mail to the attention of John Lindgren, Gunster, 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401

For the abandonment of the easement on my property, the legal description of this property being:

Property Control No. 50-43-42-34-08-000-0190 Subdivision: North Shore Addition To Palm Beach Lot: 19 Block

Attached is a sketch and legal description illustrating the existing easement we are requesting to be abandoned (Exhibit "A").

I understand that your company will not be responsible in any way for vacated equipment in the easement.

Ralph Heins
Owner's Typed/Printed Name

R. Heins
Owner's Signature

********** DO NOT WRITE BELOW THIS LINE - THIS SECTION IS FOR UTILITY COMPANY'S USE ONLY **********

Please check off one (1) box below and complete on behalf of utility company.

ACKNOWLEDGMENT:

☑ We **agree** to the abandonment. Letter of NO OBJECTION attached.

☐ We **do not agree** and have a vested interest in the easement remaining.

Comcast Cable
Name of Easement Holder

By: Daniel Tiburcio

Title: Construction specl 2

Date: 10/25/2022

APPROVED

Utilities - *Return com*
Contractor/Requesto
Attn: Craig Hauschild
Town of Palm Beach – Planning, Zoning, & Building Dept.
360 South County Road
Palm Beach, FL 33408
Phone: (561) 227-7042 Fax: (561) 835-4621

To be completed by Notary Public to authenticate utility company's signatory or the utility company's authorization must be provided on letterhead.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ who is personally known to me or produced _____ as identification.

(Signature of person taking acknowledgment)

SEAL

(Name of officer taking acknowledgment typed, printed or stamped)

(Title or rank)

(Serial number, if any)

N:\Public Works\01 (511) ADMIN\FORMS\Engineering Agree's etc\Applications_Checklist_Agreement Blank Forms for_Easements_and_Abandonments\EASEMENT CONSENT FORM _for utilities\Abandonment of Dedicated Public Easements - 2022-03-01

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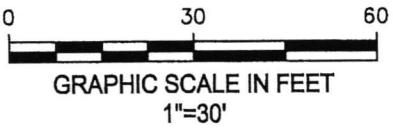
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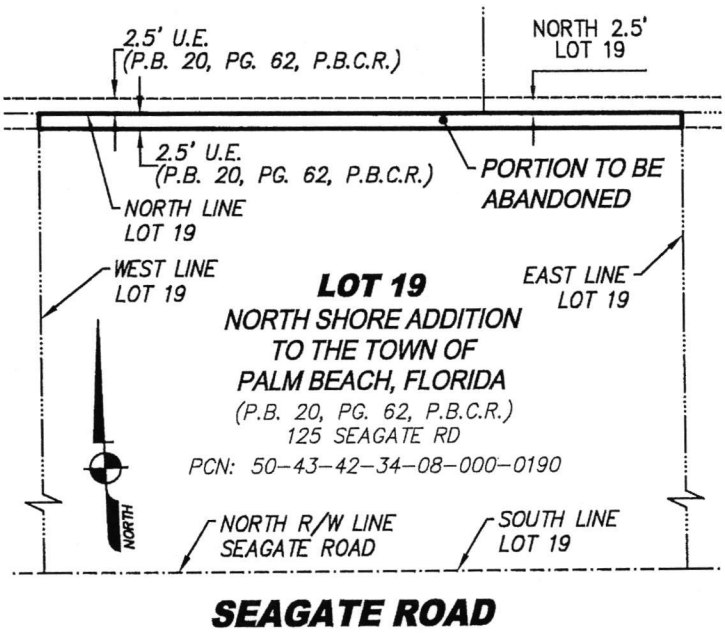
PORTION OF LOT 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA
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JOB #:	12607
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DATE:	10/3/2022
BY:	M.J.A.
CHECKED:	D.E.B.
F.B. - PG.	-
SHEET:	1 OF 1

COMCAST

Oct 25, 2022

125 Seagate Rd
Palm Beach FL 33480

This letter is to confirm that Comcast Cable has no objection of the location described above. I verified Comcast design, and we have existing [Underground] plant located in [Front] easement of the property in the existing utility easement going [East to West] on [Seagate Rd]

If the scope of work or project limits should change on this project, please let me know.

Please call 1-800-432-4700, 811 or WWW. CallSunshine.com before you dig.

If you have any question or concern, please feel free to contact me at

Thank you,

Daniel Tiburcio

APPROVED

Daniel Tiburcio

Construction Specl 2

3960 RCA Blvd ste 6002,

Palm Beach Gardens, FL 33410

Office 561-815-6659

Town of Palm Beach

Public Works Department

Abandonment of Dedicated Public Easements

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements the following public utilities for which a separate "Letter of No Objection" is required are: Sanitary Sewer and Storm Sewer-Palm Beach Public Works Dept.; Public Works Electric-Palm Beach Public Works Dept.; Cable TV-Comcast; Franchised Electric Service Provider- FPL; Telephone-AT&T; Water-City of West Palm Beach Utilities Dept.; Gas-Florida Public Utilities. In the event there are no public utility objections, the applicant will be required to file an application form with the Town. The Town of Palm Beach, in its sole discretion, may reject any request for abandonment regardless of there being no utility company objections to thesame.

TO: Brad Collins, Engineering Department, Florida Public Utilities
Name of Easement Holder/Utility Company

ADDRESS: 209 N. Sapodilla Avenue, West Palm Beach, FL 33401
Easement Holder/Utility Company

To whom it may concern:

I am the record title holder of property located at 125 Seagate Road

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements" the Town of Palm Beach, as part of the procedure for abandonment of utility easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility easement as outlined in this letter, please sign and date at the bottom and PROVIDE A LETTER OF NO OBJECTION and return via fax or email, and U.S. mail to the attention of John Lindgren, Gunster, 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401

For the abandonment of the easement on my property, the legal description of this property being:

Property Control No. 50-43-42-34-08-000-0190 Subdivision: North Shore Addition To Palm Beach Lot: 19
Block

Attached is a sketch and legal description illustrating the existing easement we are requesting to be abandoned (Exhibit "A").

I understand that your company will not be responsible in any way for vacated equipment in the easement.

Ralph Heins
Owner's Typed/Printed Name

R Heins
Owner's Signature

********** DO NOT WRITE BELOW THIS LINE - THIS SECTION IS FOR UTILITY COMPANY'S USE ONLY **********

Please check off one (1) box below and complete on behalf of utility company.

ACKNOWLEDGMENT:

☒ We **agree** to the abandonment. Letter of NO OBJECTION attached.

☐ We **do not agree** and have a vested interest in the easement remaining.

FPUC
Name of Easement Holder

By: Fernando Van Leeuwen
Title: Supervisor
Date: 10/10/2022

Utilities - *Return completed forms to the contractor/requestor.*
Contractor/Requestor – *Return all forms with signed agreement to:*
Attn: Craig Hauschild
Town of Palm Beach – Planning, Zoning, & Building Dept.
360 South County Road
Palm Beach, FL 33408
Phone: (561) 227-7042 Fax: (561) 835-4621

To be completed by Notary Public to authenticate utility company's signatory. or the utility company's authorization must be provided on letterhead.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10TH day of OCTOBER, 2022, by FERNANDO VAN LEEUWEN who is personally known to me or produced _____ as identification.

(Signature of person taking acknowledgment)

Leona P. Solomon
Commission # GG304846
Expires: February 24, 2023
Bonded Thru Aaron Notary

SEAL

(Name of officer taking acknowledgment typed, printed or stamped)

NOTARY PUBLIC
(Title or rank)

(Serial number, if any)

N:\Public Works\01 (511) ADMIN\FORMS\Engineering Agree's etc\Applications_Checklist_Agreement Blank Forms for_Easements_and_Abandonments\EASEMENT CONSENT FORM for utilities\Abandonment of Dedicated Public Easements - 2022-03-01

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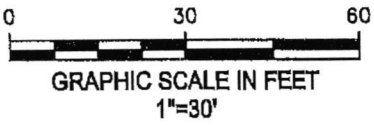
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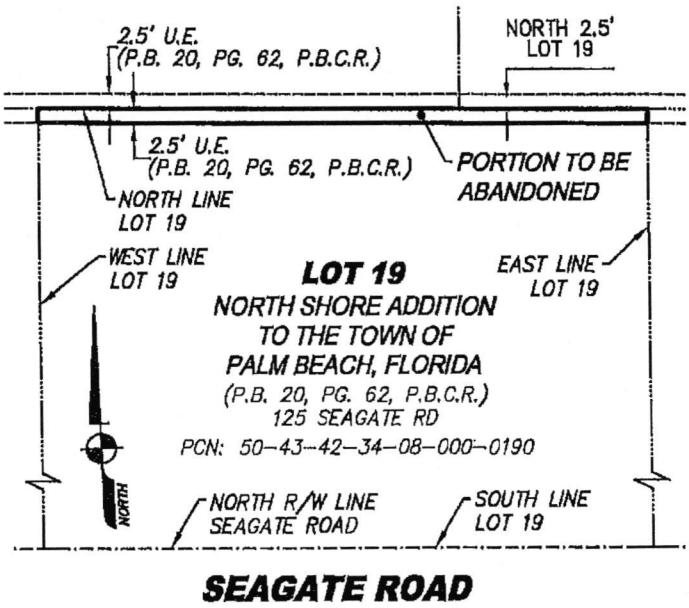
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BY:	M.J.A.
CHECKED:	D.E.B.
F.B. - PG.	-
SHEET:	1 OF 1

FLORIDA PUBLIC UTILITIES

October 11, 2022

RE: Easement Abandonment
125 Seagate Road
Palm Beach, FL 33480

Dear John Lindgren,

After reviewing the information provided; it has been determined that Florida Public Utilities Company has "No Objection" to the abandonment of the Easement shown on the Exhibit and Legal Description provided.

If you have any questions about Natural Gas or need any additional information please don't hesitate to call me at (561) 723-3459 or email at igibbs@chpk.com

Sincerely,

IVAN GIBBS

Ivan Gibbs

Engineering Technician

Florida Power & Light Company

February 14, 2023

To: John Lindgren / Gunster

To: Property Owner of 125 Seagate Rd

Re: Easement Abandonment: 125 Seagate Rd

Dear Mr. Lindgren:

You have informed FPL that you have a project under construction at 125 Seagate Rd, Palm Beach, and have asked us for a letter stating that your project doesn't interfere with our facilities or ability to provide you with new service. Upon reviewing your plans, we have determined we have received all easement abandonment information and have processed the easement abandonment. Please see signed easement abandonment document attached.

The issue in the above-referenced paragraph has no bearing, however, on the issue of the safety of the workers on your project vis a vis FPL's facilities. It is imperative that you visually survey the area prior to commencing construction and determine whether the construction of any proposed structures will bring any person, tool, machinery, equipment or object closer to FPL's power lines than the OSHA-prescribed limits. If it will, you must either re-design your project to allow it to be built safely given the pre-existing power lines, or make arrangements with FPL to de-energize and ground our facilities, or relocate them at your expense. **You must do this before allowing any construction near the power lines**. It is impossible for FPL to know or predict whether or not the contractors or subcontractors, and their employees, will operate or use cranes or other mobile equipment, or handle materials or tools, in dangerous proximity to such power lines during the course of construction, and, if so, when and where. Therefore, if it becomes necessary for any contractor or subcontractor, or their employees, to operate or handle cranes, draglines, mobile equipment, or any other equipment, tools or materials in such a manner that they might come closer to overhead power lines than is permitted by local, state or federal regulations, you and any such contractor or subcontractor must notify FPL in writing of such planned operation prior to the commencement thereof and make all necessary arrangements with FPL in order to carry out the work in a safe manner. **Any work in the vicinity of the electric lines should be suspended until these arrangements are finalized and implemented.**

The National Electrical Safety Code ("NESC") has certain minimum clearances that must be maintained. If you build your structure so that those clearances can not be maintained, you will be required to compensate FPL for the relocation of our facilities to comply with those clearances. As such, you should contact FPL prior to commencing construction near pre-existing overhead power lines to make sure that your proposed structure does not impinge upon the NESC clearances.

If you have any questions, please feel free to contact me at 561-616-1645.

Sincerely,

Nicolas Geraci

Nicolas Geraci
Engineer II

Town of Palm Beach

Public Works Department

Abandonment of Dedicated Public Easements

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements the following public utilities for which a separate "Letter of No Objection" is required are: Sanitary Sewer and Storm Sewer-Palm Beach Public Works Dept.: Public Works Electric-Palm Beach Public Works Dept.: Cable TV-Comcast; Franchised Electric Service Provider- FPL; Telephone-AT&T: Water-City of West Palm Beach Utilities Dept.: Gas-Florida Public Utilities. In the event there are no public utility objections, the applicant will be required to file an application form with the Town. The Town of Palm Beach, in its sole discretion, may reject any request for abandonment regardless of there being no utility company objections to the same.

TO: West Palm Beach Service Planning – Construction Services, Florida Power & Light Co.
Name of Easement Holder/Utility Company

ADDRESS: 810 Charlotte Avenue, West Palm Beach, FL 33401
Easement Holder/Utility Company

To whom it may concern:

I am the record title holder of property located at 125 Seagate Road

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements" the Town of Palm Beach, as part of the procedure for abandonment of utility easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility easement as outlined in this letter, please sign and date at the bottom and PROVIDE A LETTER OF NO OBJECTION and return via fax or email, and U.S. mail to the attention of John Lindgren, Gunster, 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401

For the abandonment of the easement on my property, the legal description of this property being:

Property Control No. 50-43-42-34-08-000-0190 Subdivision: North Shore Addition To Palm Beach Lot: 19
Block

Attached is a sketch and legal description illustrating the existing easement we are requesting to be abandoned (Exhibit "A").

I understand that your company will not be responsible in any way for vacated equipment in the easement.

Ralph Heins
Owner's Typed/Printed Name

R. Heins
Owner's Signature

********** DO NOT WRITE BELOW THIS LINE - THIS SECTION IS FOR UTILITY COMPANY'S USE ONLY **********

Please check off one (1) box below and complete on behalf of utility company.

ACKNOWLEDGMENT:

☒ We **agree** to the abandonment. Letter of NO OBJECTION attached.

☐ We **do not agree** and have a vested interest in the easement remaining.

Florida Power & Light
Name of Easement Holder

By: Nicolas Geraci

Title: Engineer II

Date: 02/14/2023

Utilities - ***Return completed forms to the contractor/requestor.***
Contractor/Requestor – ***Return all forms with signed agreement to:***
Attn: Craig Hauschild
Town of Palm Beach – Planning, Zoning, & Building Dept.
360 South County Road
Palm Beach, FL 33408
Phone: (561) 227-7042 Fax: (561) 835-4621

To be completed by Notary Public to authenticate utility company's signatory or the utility company's authorization must be provided on letterhead.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ who is personally known to me or produced _____ as identification.

(Signature of person taking acknowledgment)

SEAL

(Name of officer taking acknowledgment typed, printed or stamped)

(Title or rank)

(Serial number, if any)

N:\Public Works\01 (511) ADMIN\FORMS\Engineering Agree's etc\Applications_Checklist_Agreement Blank Forms for_Easements_and_Abandonments\EASEMENT CONSENT FORM _for utilities\Abandonment of Dedicated Public Easements - 2022-03-01

EXHIBIT A

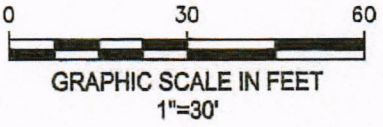
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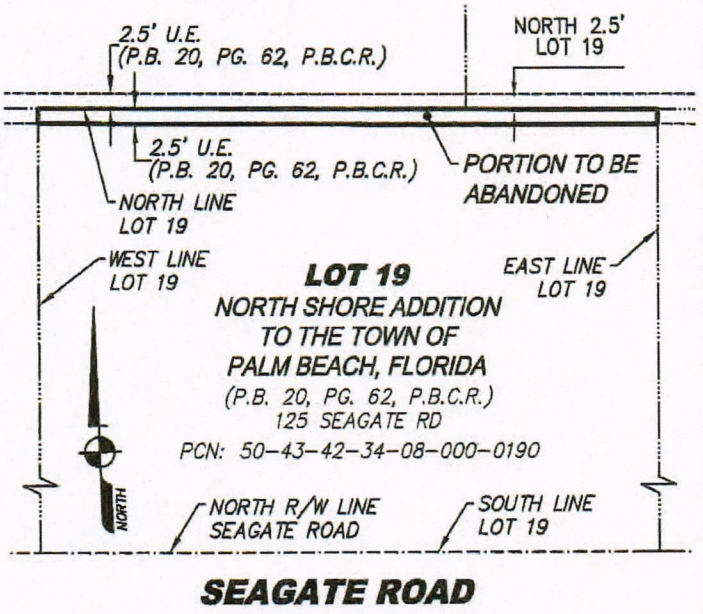
PORTION OF LOT 19, NORTH SHORE ADDITION TO THE TOWN OF PALM BEACH, FLORIDA
(P.B. 20, PG. 62, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

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Said land lying in Palm Beach County, Florida and contains 263 square feet, more or less.





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CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472, Florida Statutes.

Date: 10/3/2022

MICHAEL J. AVIROM, P.S.M.
Digitally signed by MICHAEL J. AVIROM, P.S.M.
Date: 2022.10.06 10:39:17 -04'00'

MICHAEL J. AVIROM, P.S.M.
Florida Registration No. 7253
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
(561) 392-2594 / www.AVIROMSURVEY.com

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JOB #:	12607
SCALE:	1" = 30'
DATE:	10/3/2022
BY:	M.J.A.
CHECKED:	D.E.B.
F.B. -	PG. -
SHEET:	1 OF 1

Town of Palm Beach

Public Works Department

Abandonment of Dedicated Public Easements

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements the following public utilities for which a separate "Letter of No Objection" is required are: Sanitary Sewer and Storm Sewer-Palm Beach Public Works Dept.; Public Works Electric-Palm Beach Public Works Dept.; Cable TV-Comcast; Franchised Electric Service Provider- FPL; Telephone-AT&T; Water-City of West Palm Beach Utilities Dept.; Gas-Florida Public Utilities. In the event there are no public utility objections, the applicant will be required to file an application form with the Town. The Town of Palm Beach, in its sole discretion, may reject any request for abandonment regardless of there being no utility company objections to the same.

TO: Jeffery Coleman, Water Resources Division Manager, Town of Palm Beach – Water Resources
Name of Easement Holder/Utility Company

ADDRESS: 951 Okeechobee Road, Suite A, West Palm Beach, FL 33401
Easement Holder/Utility Company

To whom it may concern:

I am the record title holder of property located at 125 Seagate Road

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements" the Town of Palm Beach, as part of the procedure for abandonment of utility easements, requires that letters of no objection be received from all utilities. If you do not object to the abandonment of the utility easement as outlined in this letter, please sign and date at the bottom and PROVIDE A LETTER OF NO OBJECTION and return via fax or email, and U.S. mail to the attention of John Lindgren, Gunster, 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401

For the abandonment of the easement on my property, the legal description of this property being:

Property Control No. 50-43-42-34-08-000-0190 Subdivision: North Shore Addition To Palm Beach Lot: 19 Block

Attached is a sketch and legal description illustrating the existing easement we are requesting to be abandoned (Exhibit "A").

I understand that your company will not be responsible in any way for vacated equipment in the easement.

Ralph Heins — Owner's Typed/Printed Name

R. Heins — Owner's Signature

********** DO NOT WRITE BELOW THIS LINE - THIS SECTION IS FOR UTILITY COMPANY'S USE ONLY **********

Please check off one (1) box below and complete on behalf of utility company.

ACKNOWLEDGMENT:

☑ We **agree** to the abandonment. Letter of NO OBJECTION attached.

☐ We **do not agree** and have a vested interest in the easement remaining.

Town of Palm Beach
Name of Easement Holder

By: Jeff Coleman

Title: WRD Manager

Date: 10/26/22

Utilities - *Return completed forms to the contractor/requestor.*
Contractor/Requestor – *Return all forms with signed agreement to:*
Attn: Craig Hauschild
Town of Palm Beach – Planning, Zoning, & Building Dept.
360 South County Road
Palm Beach, FL 33408
Phone: (561) 227-7042 Fax: (561) 835-4621

To be completed by Notary Public to authenticate utility company's signatory. or the utility company's authorization must be provided on letterhead.

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of Oct., 2022 by Jeff Coleman who is personally known to me or produced _____ as identification.

(Signature of person taking acknowledgment)

SEAL

Notary Public State of Florida
Lynne Menniti
My Commission GG 345551
Expires 06/16/2023

(Name of officer taking acknowledgment typed, printed or stamped)

(Title or rank)

(Serial number, if any)

N:\Public Works\01 (511) ADMIN\FORMS\Engineering Agree's etc\Applications_Checklist_Agreement Blank Forms for_Easements_and_Abandonments\EASEMENT CONSENT FORM _for utilities\Abandonment of Dedicated Public Easements - 2022-415-01

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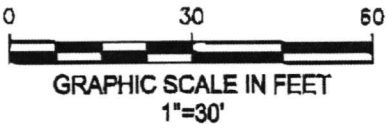
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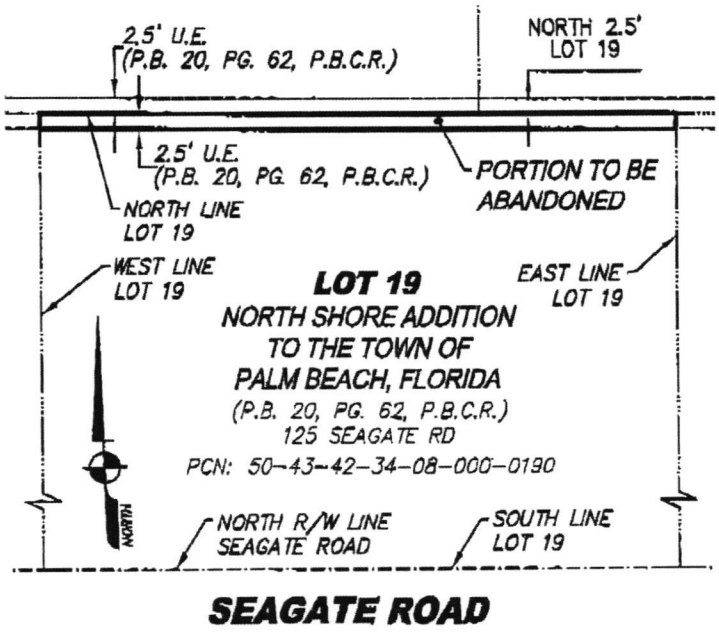
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MICHAEL J. AVIROM, P.S.M.
Florida Registration No. 7253
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS	AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING	JOB #: 12607
	50 S.W. 2nd AVENUE, SUITE 102	SCALE: 1" = 30'
	BOCA RATON, FLORIDA 33432	DATE: 10/3/2022
	(561) 392-2594 / www.AVIROMSURVEY.com	BY: M.J.A.
	© 2022 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.	CHECKED: D.E.B.
		F.B. - PG. -
		SHEET: 1 OF 1

Town of Palm Beach

Public Works Department

Abandonment of Dedicated Public Easements

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TO: Paul Colby, Facilities Maintenance Division Manager, Town of Palm Beach – Electrical
Name of Easement Holder/Utility Company

ADDRESS: 951 Okeechobee Road, Suite A, West Palm Beach, FL 33401
Easement Holder/Utility Company

To whom it may concern:

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Ralph Heins — Owner's Typed/Printed Name

R. Heins — Owner's Signature

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Please check off one (1) box below and complete on behalf of utility company.

ACKNOWLEDGMENT:

☑ We **agree** to the abandonment. Letter of NO OBJECTION attached.

☐ We **do not agree** and have a vested interest in the easement remaining.

TOWN OF PALM BEACH
Name of Easement Holder

By: Mark Lee

Title: Electric Supervisor

Date: 10/26/2022

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Palm Beach, FL 33408
Phone: (561) 227-7042 Fax: (561) 835-4621

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STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of OCT., 2022, by MARK LOLEE who is personally known to me or produced _____ as identification.

(Signature of person taking acknowledgment)

SEAL

Notary Public State of Florida
Lynne Menniti
My Commission GG 345551
Expires 06/16/2023

(Name of officer taking acknowledgment typed, printed or stamped)

(Title or rank)

(Serial number, if any)

N:\Public Works\01 (511) ADMIN\FORMS\Engineering Agen's etc\Applications_Checklist_Agreement Blank Forms for_Easements_and_Abandonments\EASEMENT CONSENT FORM _for utilities\Abandonment of Dedicated Public Easements - 2022-03-01

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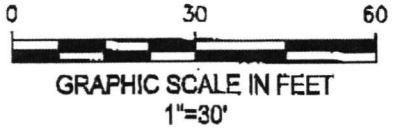
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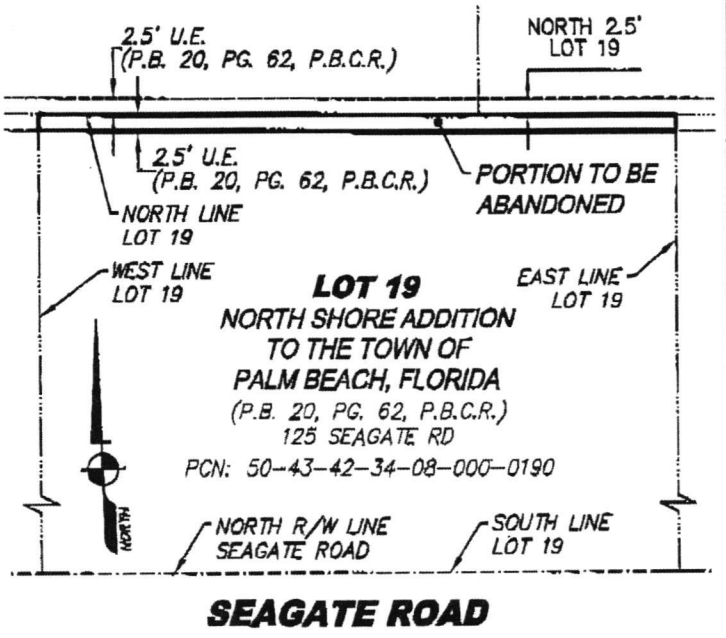
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JOB #:	12607
SCALE:	1" = 30'
DATE:	10/3/2022
BY:	M.J.A.
CHECKED:	D.E.B.
F.B. -	PG. -
SHEET:	1 OF 1

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Public Hearings

Agenda Title
RESOLUTION NO. 036-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 1287 North Ocean Way, in the Town of Palm Beach, Florida.

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

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 036-2023**
- **Exhibit A - Property Sketch**
- **Notice to Property Owner and Adjacent Property Owners**
- **Legal Ad**
- **Application**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Vacate and Abandon Existing Utility Easement at 1287 North Ocean Way
Resolution No. 036-2023

DATE: March 22, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 036-2023 authorizing the abandonment of existing public utility easement located at 1287 North Ocean Way.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easement at1287 North Ocean Way. The easement to be abandoned is shown as Exhibit A, Sketch and Legal description of the proposed Resolution. An application fee of $1,200 was received with the application for abandonment to cover direct costs and processing by the Town.

All undergrounding in the area has been completed. All existing utilities within portions of the easements proposed to be abandoned have provided consent. The utility easement located at 1287 North Ocean Way as described in Exhibit A is no longer necessary and does not serve a public purpose.

Information packages were sent to the 21 neighboring property owners within 300 feet of the easement to be abandoned via certified mail on March 13, 2023. To date, three (3) responses have been received from the neighboring property owners, requesting clarification and additional information on the easement abandonment process. One resident asked if the existing structure on the site had a demolition permit. At this time, it does not. No objections were received. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of existing utility easement and no property is being gained by the owner. Therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

RESOLUTION NO. 036-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING AN EXISTING PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY COMMONLY KNOWN AS 1287 NORTH OCEAN WAY, IN THE TOWN OF PALM BEACH, FLORIDA.

WHEREAS, the owner of the land hereinafter described is planning on further developing 1287 North Ocean Way with improvements that could potentially traverse the existing public utility easement; and

WHEREAS, all utility providers of said easement have agreed to the abandonment of the existing public utility easement; and

WHEREAS, all undergrounding in the area has been completed; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easement located on 1287 North Ocean Way as described in Exhibit A attached is no longer necessary, does not serve any public purpose, nor is it necessary for public use; and

WHEREAS, the owner is responsible for all fees related to implementing the vacating and abandoning of the existing utility easement including recording fees.

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 easements described and illustrated on Exhibit A, sketch and legal description for 1287 North Ocean Way, are hereby vacated and abandoned.

Section 3. The Town Clerk is hereby authorized to advertise and record this resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

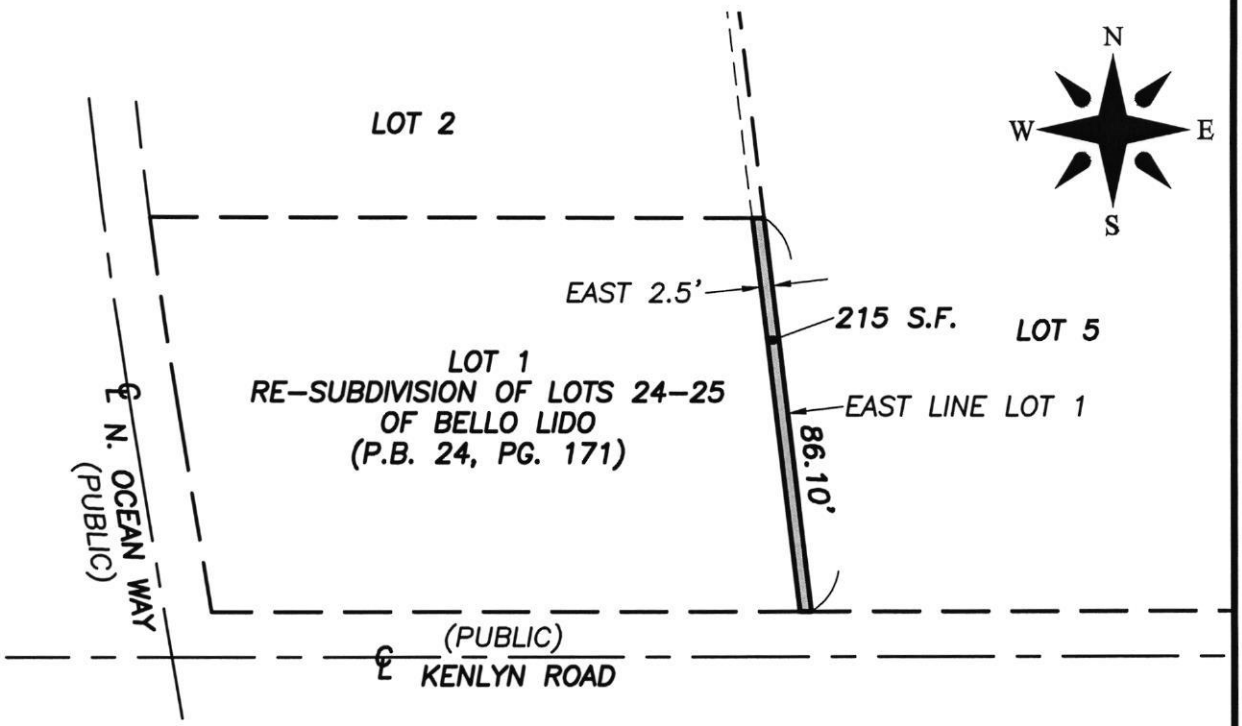
_____	_____
Danielle H. Moore, Mayor	Julie Araskog, Town Council Member
	_____
	Edward A. Cooney, Town Council Member
	_____
	Lewis S.W. Crampton, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kelly Churney, Acting Town Clerk	Margaret A. Zeidman, Town Council Member

Description Sketch For:
M2B PROPERTIES LLC

EXHIBIT "A"

LEGAL DESCRIPTION:

The East 2.5 feet of Lot 1, ***RE-SUBDIVISION OF LOTS 24-25 OF BELLO LIDO****, according to the Plat thereof, as recorded in Plat Book 24, Page 171, of the Public Records of Palm Beach County, Florida.*



NOTES:

1. *No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.*
2. *This sketch cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation.*
3. *This is not a survey!*
4. *Unless presented in digital form with electronic seal and electronic signature this sketch must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.*

CERTIFICATION:

I HEREBY ATTEST *that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.*

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

LEGEND

℄	=	CENTERLINE
LLC	=	LIMITED LIABILITY CORPORATION
PB	=	PLAT BOOK
PG.	=	PAGE
SF	=	SQUARE FEET

0' 40' 80'

SCALE: 1"=40'

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 09/14/22	DWG. No.: 97-1097-5
OFFICE: S.W.	SHEET: 1 OF 1
C'K'D.: C.W.	JOB No.: 97-1097.14

TOWN OF PALM BEACH

Public Works Department

NOTIFICATION TO ADJACENT PROPERTY OWNERS

March 13, 2023

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Parcel No.

RE: TOWN OF PALM BEACH ABANDONMENT OF UTILITY EASEMENT AT 1287 NORTH OCEAN WAY, PALM BEACH, FL 33480

All property owners within a three hundred-foot (300 ft.) radius of the subject property are hereby notified by mail of the proposed abandonment of utility easements on the subject property, 1287 North Ocean Way.

This notice is being provided to you in conjunction with the review by the Town Council regarding this matter.

Please be advised, Town Council will consider the following matter at the next Town Council Meeting on **Monday, April 3, 2023.** The meeting will begin at 9:30 a.m. in the Council Chambers, 360 South County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

This notification is not intended to solicit your approval or disapproval. If you desire, you may file your comments in writing via email to: 1287noceanway.easement@townofpalmbeach.com, prior to the meeting, or you may attend the meeting to speak on the matter. The Town Council meeting may also be available to attend virtually, please refer to the Town of Palm Beach website.

Subject Property Address: 1287 North Ocean Way, Palm Beach, Florida 33480

Applicant: M2B Properties LLC

Project Description: Abandonment of Existing Public Utility Easements

If I can be of further assistance, please contact me by phone at (561) 227-7042 or email at chauschild@townofpalmbeach.com.

Sincerely,

Craig A. Hauschild, P.E., Civil Engineer

cc: Public Works File

LEGAL ADVERTISEMENT

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Palm Beach, Palm Beach, Florida, at a regular meeting to be held on Monday, April 3, 2023, beginning at 9:30 a.m., in the Council Chambers of the Town Hall, 360 South County Road, Palm Beach, Florida, will have on the agenda the following:

PETITION FOR THE ABANDONMENT OF A UTILITY EASEMENT LOCATED AT 1287 NORTH OCEAN WAY, PALM BEACH, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PUBLIC UTILITY EASEMENT TO BE ABANDONED:
The East 2.5 feet of Lot 1, RE-SUBDIVISION OF LOTS 24-25 OF BELLO LIDO, according to the Plat thereof, as recorded in Plat Book 24, Page 171, of the Public Records of Palm Beach County, Florida.

This application for abandonment has been filed by:
M2B Properties LLC, 1266 W Paces Ferry Road NW #500, Atlanta, GA 30327-2306. A copy of the application is on file with the Town of Palm Beach, Public Works Department, and will be provided upon request or may be examined between the hours of 8:30 a.m. to 4:30 p.m. at 951 Okeechobee Road, Suite A, West Palm Beach, Florida 33401.

ALL PERSONS INTERESTED in this matter may appear before the Town Council of the Town of Palm Beach at the time and place aforesaid and be heard.

SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SAID PARTY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, 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 BEING BASED, 286.0105 F.S.S.

H. Paul Brazil, P.E.
Director, Department of Public Works
Town of Palm Beach
PUBLISHED BY: Palm Beach Post

7. ATTACH CONSENT LETTERS FROM **ALL** UTILITY PROVIDERS LISTED BELOW WHETHER THEY HAVE FACILITIES IN THE PETITIONED SITE OR NOT:

- [x] AT&T - Telephone
- [x] Florida Public Utilities - Gas
- [x] City of West Palm Beach -Water
- [ ] Town of Palm Beach - Electrical Bureau — no response received
- [x] Comcast - Cable Services
- [x] Town of Palm Beach - Water Resources Div.
- [x] Florida Power & Light
- Other: _____

CHECK-MARK (√) ONLY THOSE UTILITY PROVIDERS OCCUPYING THE PETITIONED SITE

8. APPLICANT'S SIGNATURE: 9. DATE: FEBRUARY 14, 2023

I Certify that the information given in this application is true and correct to the best of my knowledge.

Mary F. Garrett

STATE OF ~~FLORIDA~~ GEORGIA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14-TH day of FEBRUARY, 2023, MARY F. GARRETT, who is personally known to me, or showed _____ (type of identification; i.e., driver's license number, etc.), and who did take an oath.

(NOTARY SEAL)

MIROSLAWA L IRLIK Commission Expires NOTARY PUBLIC 06-20-2024 GWINNETT COUNTY, GEORGIA

Miroslawa L. Irlik
NOTARY PUBLIC - STATE OF ~~FLORIDA~~ GEORGIA

Print Name: MIROSLAWA L. IRLIK
My commission expires: JUNE 20, 2024

For Use by Public Works Department

CHECK NO.: 1716 TOWN COUNCIL HEARING: APRIL 3, 2023

AMOUNT OF CHECK: $1,200 DATE: 4/3/2023 RESOLUTION #: _____

RECEIVED BY : LYNNE MENNITI Approved: _____ Denied: _____

THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
Facsimile: (561) 515-3904

Counsel:
Kinley I. Engvalson
Jeffrey S. Hochfelsen
Andrea M. Holloway
Paul A. Krasker
Marshall J. Osofsky
James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

28 February 2023

Via Federal Express
Town of Palm Beach
951 Old Okeechobee Rd
Suite A
West Palm Beach, Fl 33401
Attn: Paul Brazil, Director of Public Works

Re: 1287 N Ocean Way

Dear Mr. Brazil,

We represent M2B Properties, LLC, the owner of 1287 N Ocean Way. Enclosed please find a completed application to abandon a dedicated public easement and twenty (20) copies. The application fee in the amount of $1,200.00 is also included as Check No. 1716 made payable to the Town of Palm Beach.

If you require anything further or have any questions, please do not hesitate to contact me.

Thanking you in advance for you and your staffs time and attention to this matter.

Sincerely,

Ellie Halperin

Enc.

ec: Gregory Palmer

TOWN OF PALM BEACH
ABANDONMENT OF DEDICATED PUBLIC PROPERTY
(RIGHT-OF-WAY AND EASEMENTS)
A pre-application meeting with the Public Works Department (Town Engineer) is required prior to submission of application for abandonment of dedicated public property.

Application Form

In accordance with "Town of Palm Beach Code of Ordinances, Chapter 106, Article IV. Vacation and Abandonment of Streets and Easements," please complete this application for Abandonment of Dedicated Public Property. Submit an application fee of $1,200.00 and one original plus twenty (20) copies of the signed application to the Director of Public Works, Town of Palm Beach, 951 Okeechobee Road, West Palm Beach, FL 33401. A privilege fee of 100 percent of the total land value of the petitioned site may be required upon approval of the application by the Town Council, and a portion of the application fee may be credited towards the privilege fee.

1. APPLICANT'S NAME: ADDRESS:

M2B Properties LLC — 1266 W PACES FERRY RD NW # 500ATLANTA GA 30327 2306

2. TYPE OF PUBLIC PROPERTY TO BE ABANDONED (Easement or Right-of-Way):

easement

3. PROPERTY ADDRESS:

1287 N Ocean Way

4. LEGAL DESCRIPTION OF PETITIONED SITE: (**Provide legal description and a scaled map, drawing or plat showing the area involved and the location of the specific property of interest to be abandoned.** Label as "EXHIBIT A")

attached

5. REASON FOR ABANDONMENT REQUEST: (Use additional sheets, if necessary, and label as "EXHIBIT B")

To give the owner the option, in the future, to combine this lot with the lot to the east [1285 N Ocean Blvd]

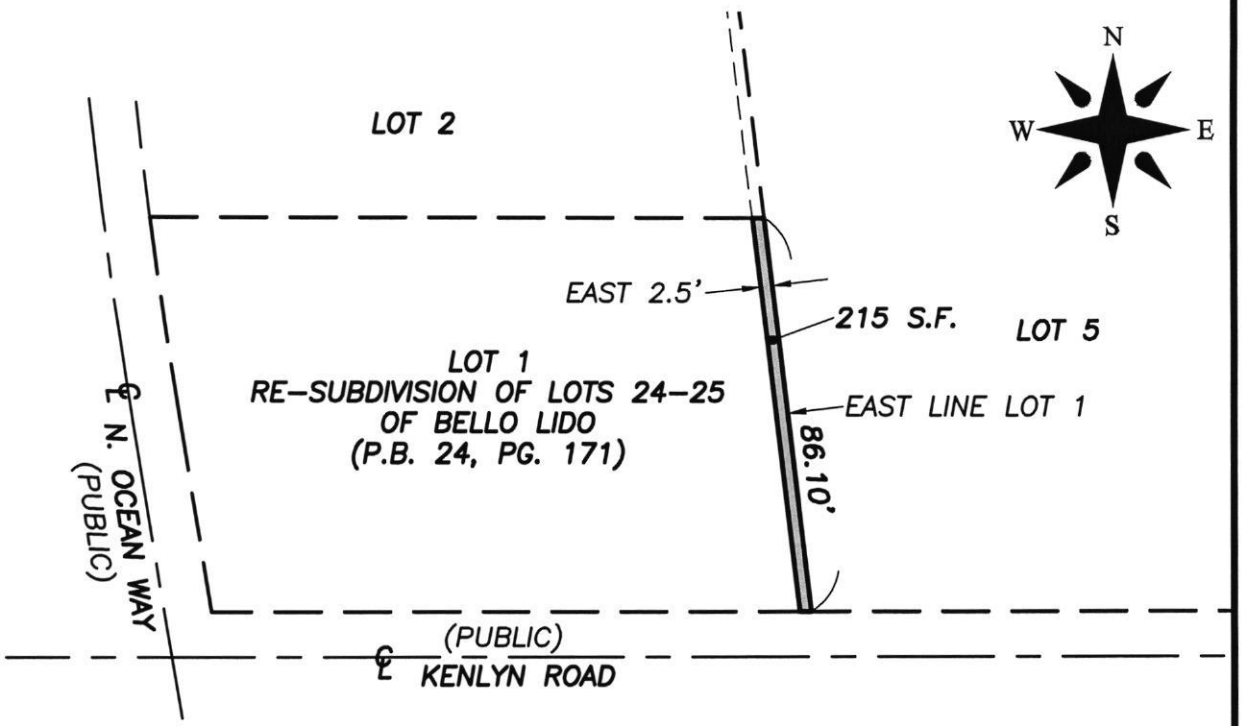
6. NAMES AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PETITIONED SITE: (Use additional sheets, if necessary, and label as "EXHIBIT C")

Description Sketch For:
M2B PROPERTIES LLC

EXHIBIT "A"

LEGAL DESCRIPTION:

The East 2.5 feet of Lot 1, ***RE-SUBDIVISION OF LOTS 24-25 OF BELLO LIDO****, according to the Plat thereof, as recorded in Plat Book 24, Page 171, of the Public Records of Palm Beach County, Florida.*



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4. *Unless presented in digital form with electronic seal and electronic signature this sketch must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.*

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Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

LEGEND

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0' 40' 80'

SCALE: 1"=40'

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 09/14/22	DWG. No.: 97-1097-5
OFFICE: S.W.	SHEET: 1 OF 1
C'K'D.: C.W.	JOB No.: 97-1097.14

THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
Facsimile: (561) 515-3904

Counsel:
Kinley I. Engvalson
Jeffrey S. Hochfelsen
Andrea M. Holloway
Paul A. Krasker
Marshall J. Osofsky
James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via email: West-Palm-Service-Planning-WBO.SharedMailbox@nexteraenergy.com

Florida Power & Light Co.
810 Charlotte Avenue
West Palm Beach, FL 33401

Attn: West Palm Beach Service Planning-Construction Svc.

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

If you have no objections, please indicate your consent by signature below and return this letter no later than September 15, 2022 by e-mail to assistant@halperin-law.com. If you have any questions or comments or if I may be of further assistance, please contact me at 561-478-4700.

Thank you for your assistance in this matter. I look forward to hearing from you shortly.

Sincerely yours,

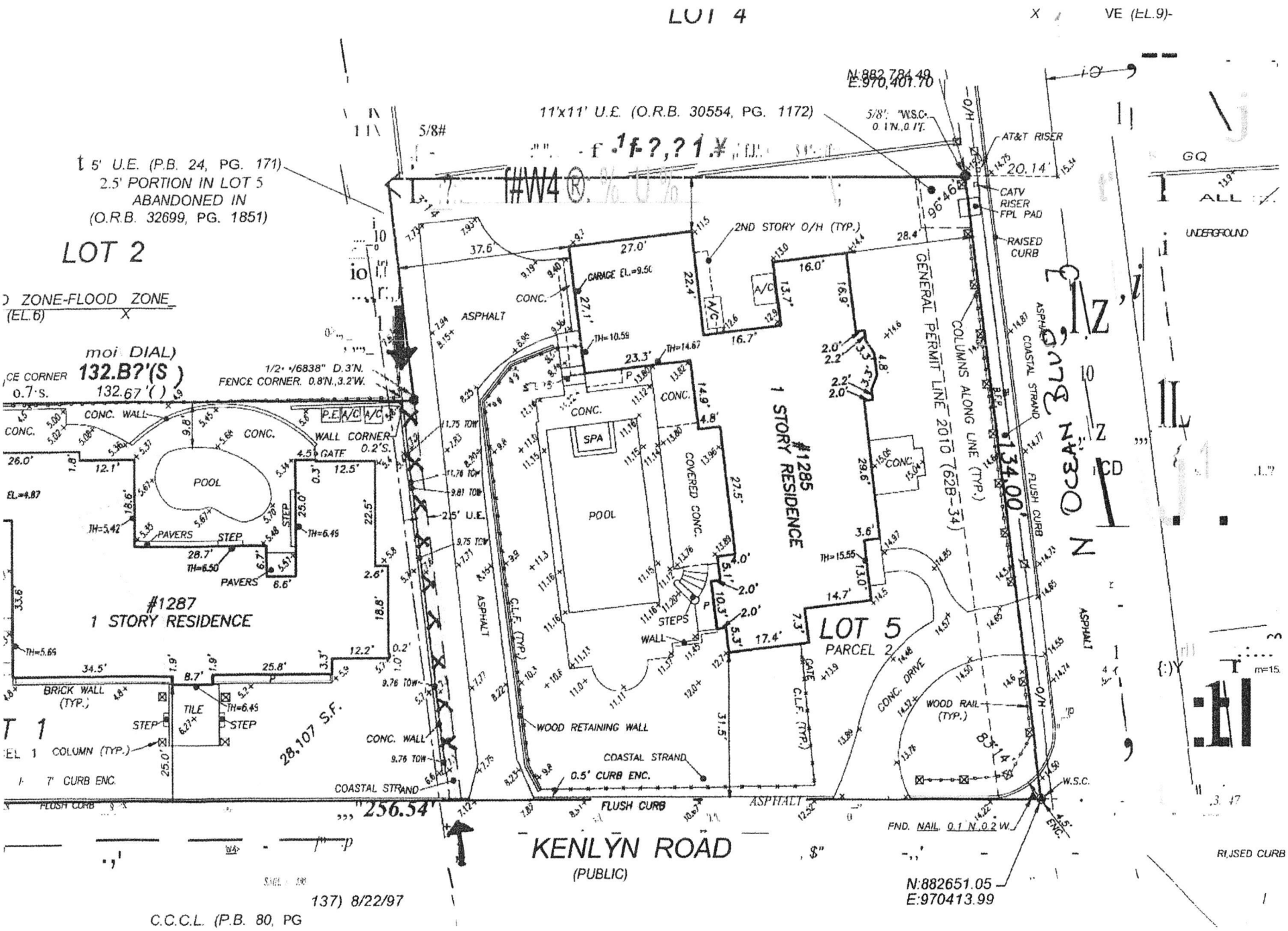
Law Office of Paul A. Krasker, P.A.

By:_____
Stacey K. Mackenzie
Legal Assistant

Florida Power & Light Co. has no objection to the abandonment.

By Nicolas Geraci
Print Name: Nicolas Geraci
Title: Engineer II

04-03-2023 TCM Backup



THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
Facsimile: (561) 515-3904

Counsel:
Kinley I. Engvalson
Jeffrey S. Hochfelsen
Andrea M. Holloway
Paul A. Krasker
Marshall J. Osofsky
James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via email: engineering-WPB@CHPK.com
Bcollins@CHPK.com
Pbono@CHPK.com

Florida Public Utilities
209 Sapodilla
West Palm Beach, FL 33401

Attn: Brad Collins – Engineering Department

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Dear Mr. Collins:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

If you have no objections, please indicate your consent by signature below and return this letter no later than September 15, 2022 by e-mail to assistant@halperin-law.com. If you have any questions or comments or if I may be of further assistance, please contact me at 561-478-4700.

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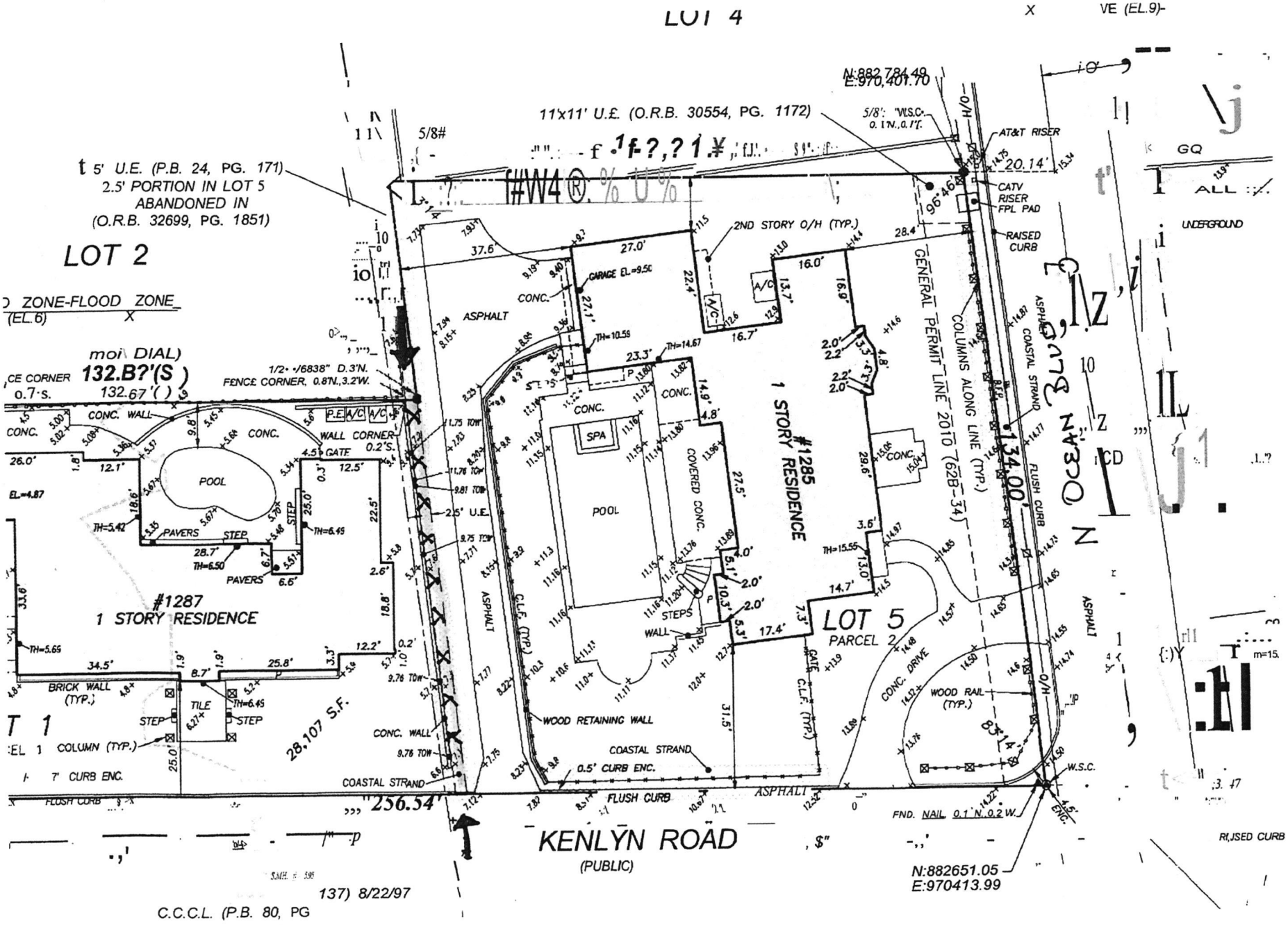
Sincerely yours,

Law Office of Paul A. Krasker, P.A.

By:_____
Stacey K. Mackenzie
Legal Assistant

Florida Public Utilities has no objection to the abandonment.

By Fernando Van Leeuwen
Print Name: Fernando Van Leeuwen
Title: Gas Operations Supervisor


LOT 4
LOT 2
LOT 5
PARCEL 2
#1285
1 STORY RESIDENCE
#1287
1 STORY RESIDENCE
KENLYN ROAD
(PUBLIC)
5' U.E. (P.B. 24, PG. 171)
2.5' PORTION IN LOT 5
ABANDONED IN
(O.R.B. 32699, PG. 1851)
11'x11' U.E. (O.R.B. 30554, PG. 1172)
GENERAL PERMIT LINE 2010 (62B-34)
COLUMNS ALONG LINE (TYP.)
2ND STORY O/H (TYP.)
GARAGE EL.=9.50
ASPHALT
CONC.
POOL
SPA
COVERED CONC.
PAVERS
STEP
WALL CORNER
0.2'S.
1/2" ø/6838" D.3'N.
FENCE CORNER, 0.8'N.,3.2'W.
CONC. WALL
BRICK WALL (TYP.)
TILE
COLUMN (TYP.)
7' CURB ENC.
FLUSH CURB
COASTAL STRAND
0.5' CURB ENC.
WOOD RETAINING WALL
C.L.F. (TYP.)
GATE
CONC. DRIVE
WOOD RAIL (TYP.)
STEPS
WALL
AT&T RISER
CATV RISER
FPL PAD
RAISED CURB
W.S.C.
FND. NAIL 0.1'N. 0.2'W.
N:882,784.49
E:970,401.70
N:882651.05
E:970413.99
28,107 S.F.
256.54'
134.00'
96.46'
20.14'
137) 8/22/97
C.C.C.L. (P.B. 80, PG
Abandonment Area

THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
Facsimile: (561) 515-3904

Counsel:
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Paul A. Krasker
Marshall J. Osofsky
James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via email: vnoel@wpb.org

City of West Palm Beach - Water Utilities
401 Clematis Street, 4th Floor
West Palm Beach, FL 33401

Attn: Vincent J. Noel
Engineering Land Development Manager

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Dear Mr. Noel:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

If you have no objections, please indicate your consent by signature below and return this letter no later than September 15, 2022 by e-mail to assistant@halperin-law.com . If you have any questions or comments or if I may be of further assistance, please contact me at 561-478-4700.

Thank you for your assistance in this matter. I look forward to hearing from you shortly.

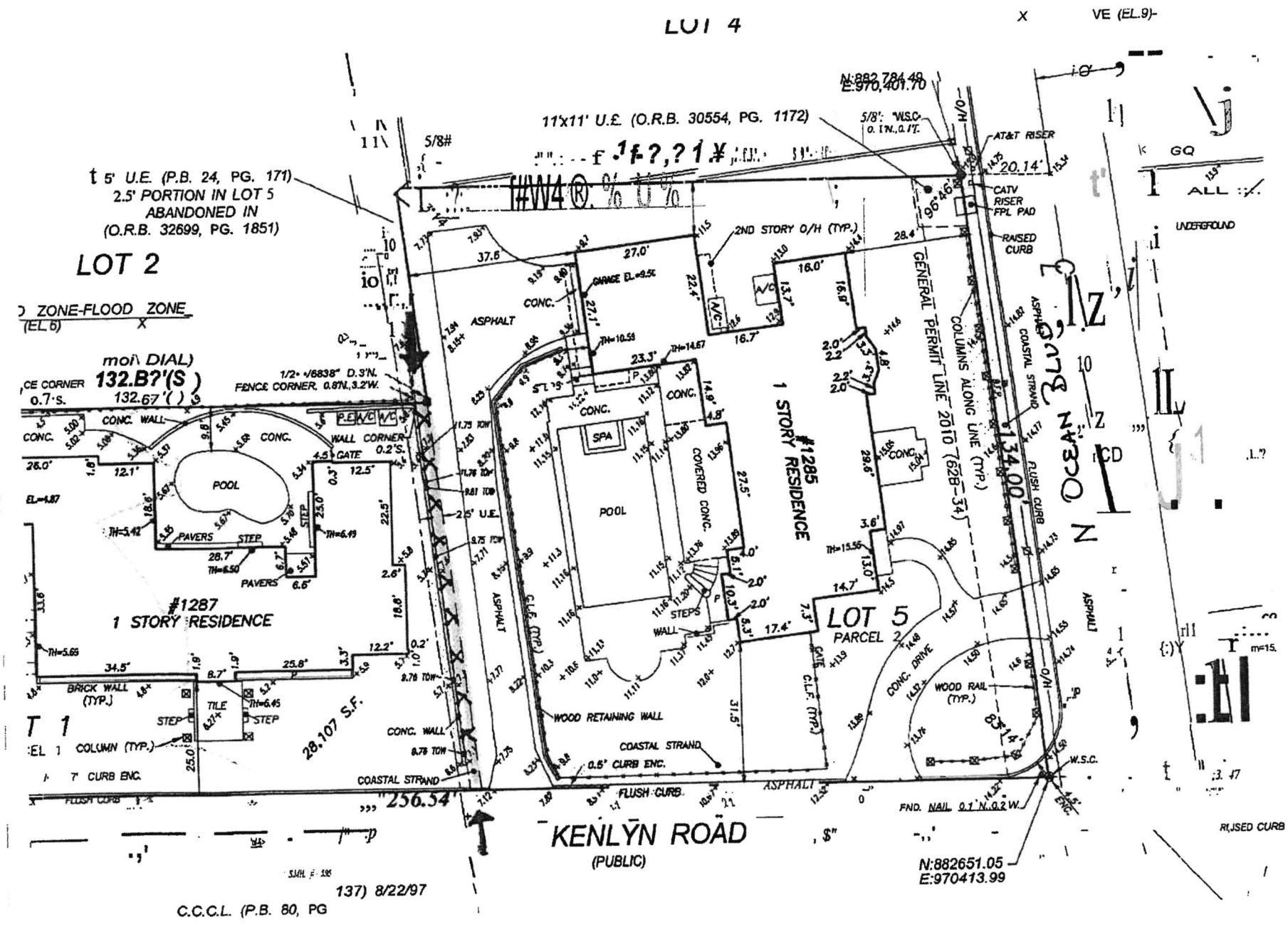
Sincerely yours,

Law Office of Paul A. Krasker, P.A.

By:_____
Stacey K. Mackenzie
Legal Assistant

City of West Palm Beach Water Utilities has no objection to the abandonment.

By_____
Print Name: Vincent J. Noel
Title: Eng. Land Dev. Mgr.



Abandonment Area

THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
Facsimile: (561) 515-3904

Counsel:
Kinley I. Engvalson
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Andrea M. Holloway
Paul A. Krasker
Marshall J. Osofsky
James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via email: ch4421@att.com
G30576@att.com

AT&T
321 SE 2nd Street
Delray Beach, FL 33483

Attn: Cassandra Hendrix
Manager of Operations, Planning and Engineering

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Dear Ms. Hendrix:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

If you have no objections, please indicate your consent by signature below and return this letter no later than September 15, 2022 by e-mail to assistant@halperin-law.com. If you have any questions or comments or if I may be of further assistance, please contact me at 561-478-4700.

Thank you for your assistance in this matter. I look forward to hearing from you shortly.

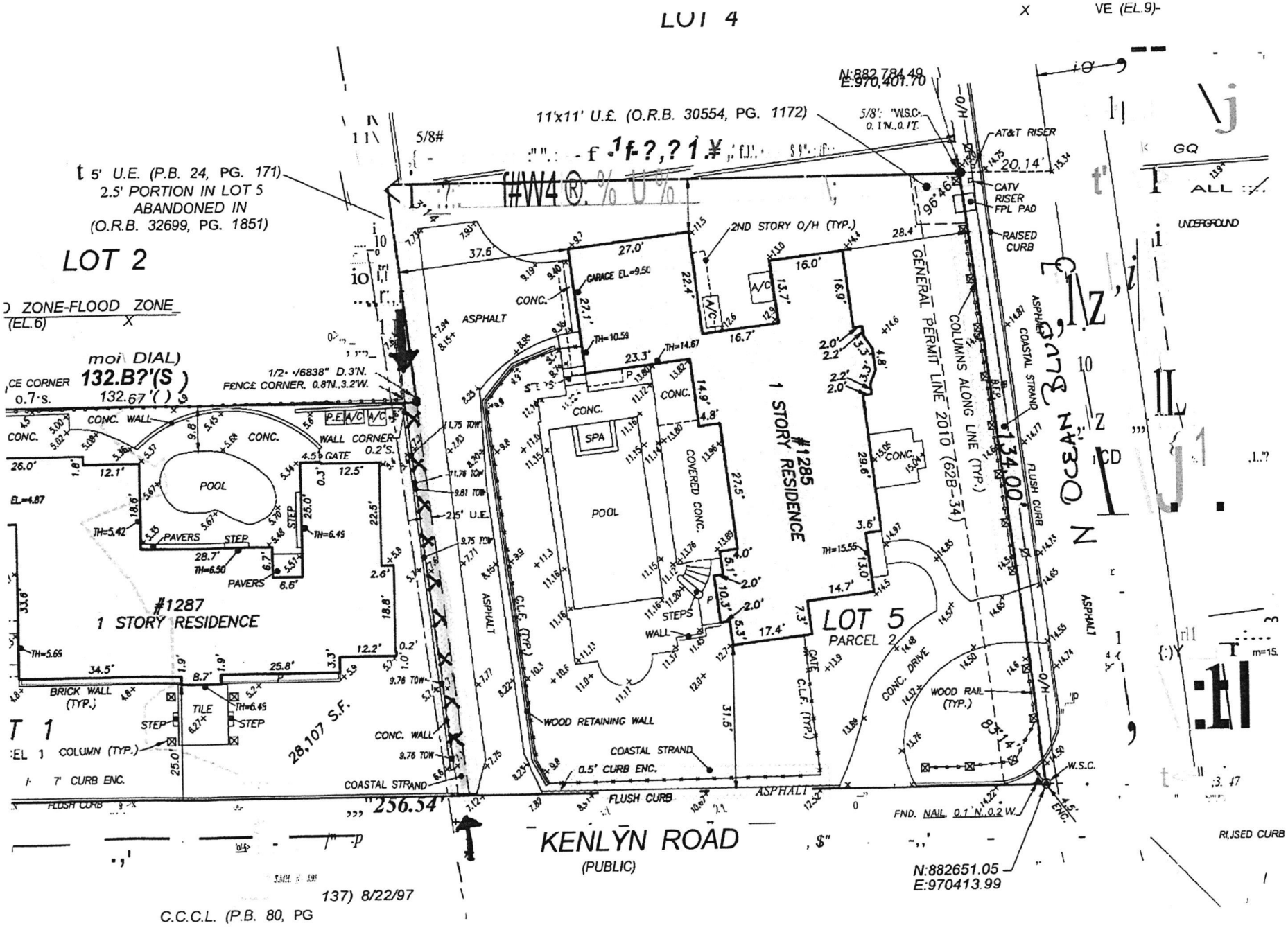
Sincerely yours,

Law Office of Paul A. Krasker, P.A.

By: _____
Stacey K. Mackenzie,
Legal Assistant

AT&T has no objection to the abandonment.

By Stephen Buck
Print Name: Stephen Buck
Title: OSPE



Abandonment Area

THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
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James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via email: daniel_tiburcia2@comcast.com
Vanessa_Guerrero@comcast.com

Comcast Cable – PBC Construction Dept.
10435 Ironwood Road
Palm Beach Gardens, FL 33410

Attn: Daniel Tiburcio
Vanessa Gurrero

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

If you have no objections, please indicate your consent by signature below and return this letter no later than September 15, 2022 by e-mail to assistant@halperin-law.com . If you have any questions or comments or if I may be of further assistance, please contact me at 561-478-4700.

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Sincerely yours,

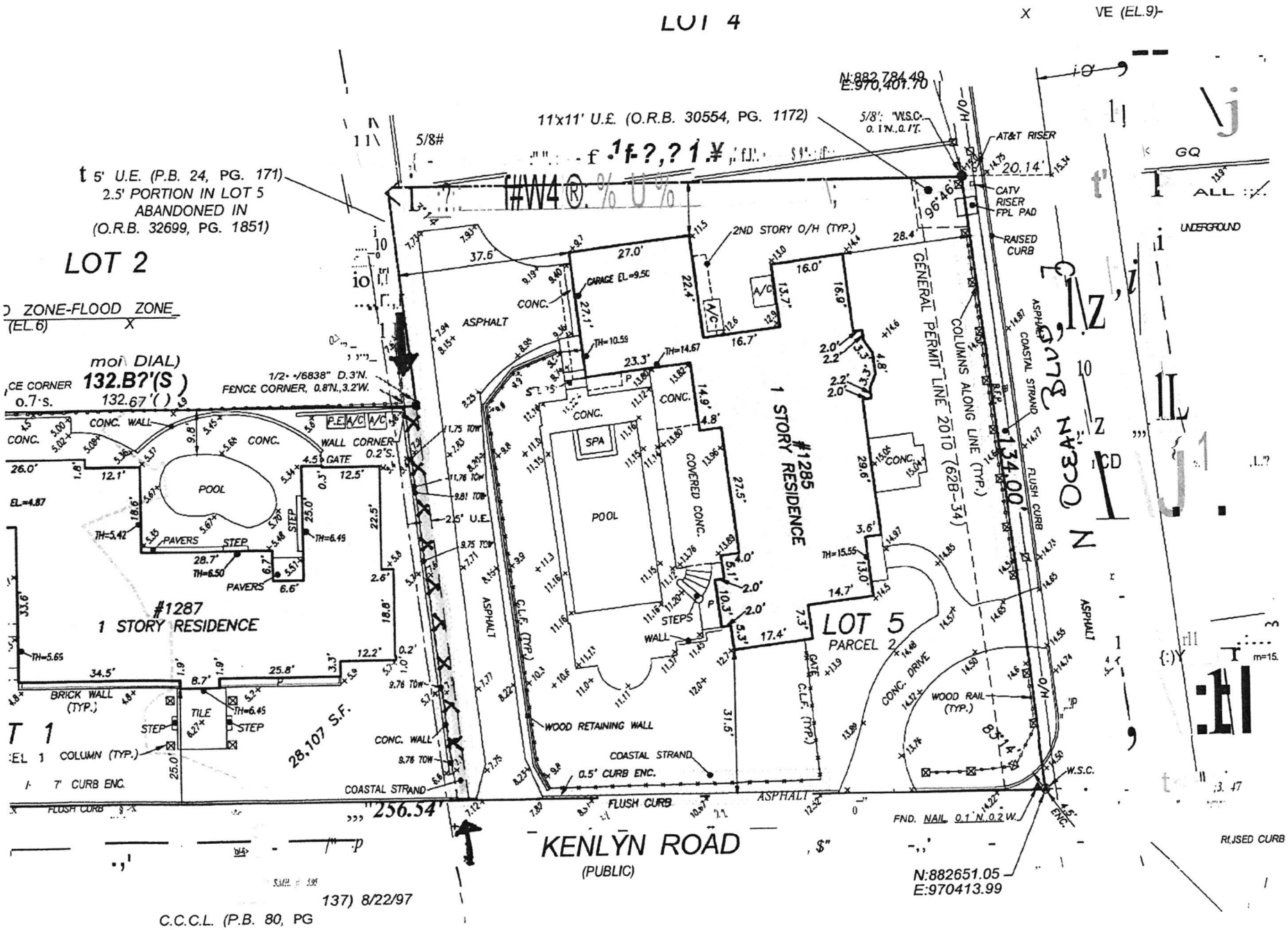
Law Office of Paul A. Krasker, P.A.

By: _____
Stacey K. Mackenzie
Legal Assistant

Comcast Cable has no objection to the abandonment.

By Daniel Tiburcio
Print Name: Daniel Tiburcio
Title: Construction Specl 2

APPROVED



Abandonment Area

THE LAW OFFICE OF
PAUL A. KRASKER P.A.
www.kraskerlaw.com

1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 515-2930
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Counsel:
Kinley I. Engvalson
Jeffrey S. Hochfelsen
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Marshall J. Osofsky
James S. Werter

HALPERIN LAW, Of Counsel
Ellie Halperin, Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via fax: (561) 835-4691

Town of Palm Beach – Water Resources
951 Okeechobee Rd., Suite A
West Palm Beach, FL 33401

Attn: Jeffery Coleman, Water Resources Division Manager

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Dear Mr. Coleman:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

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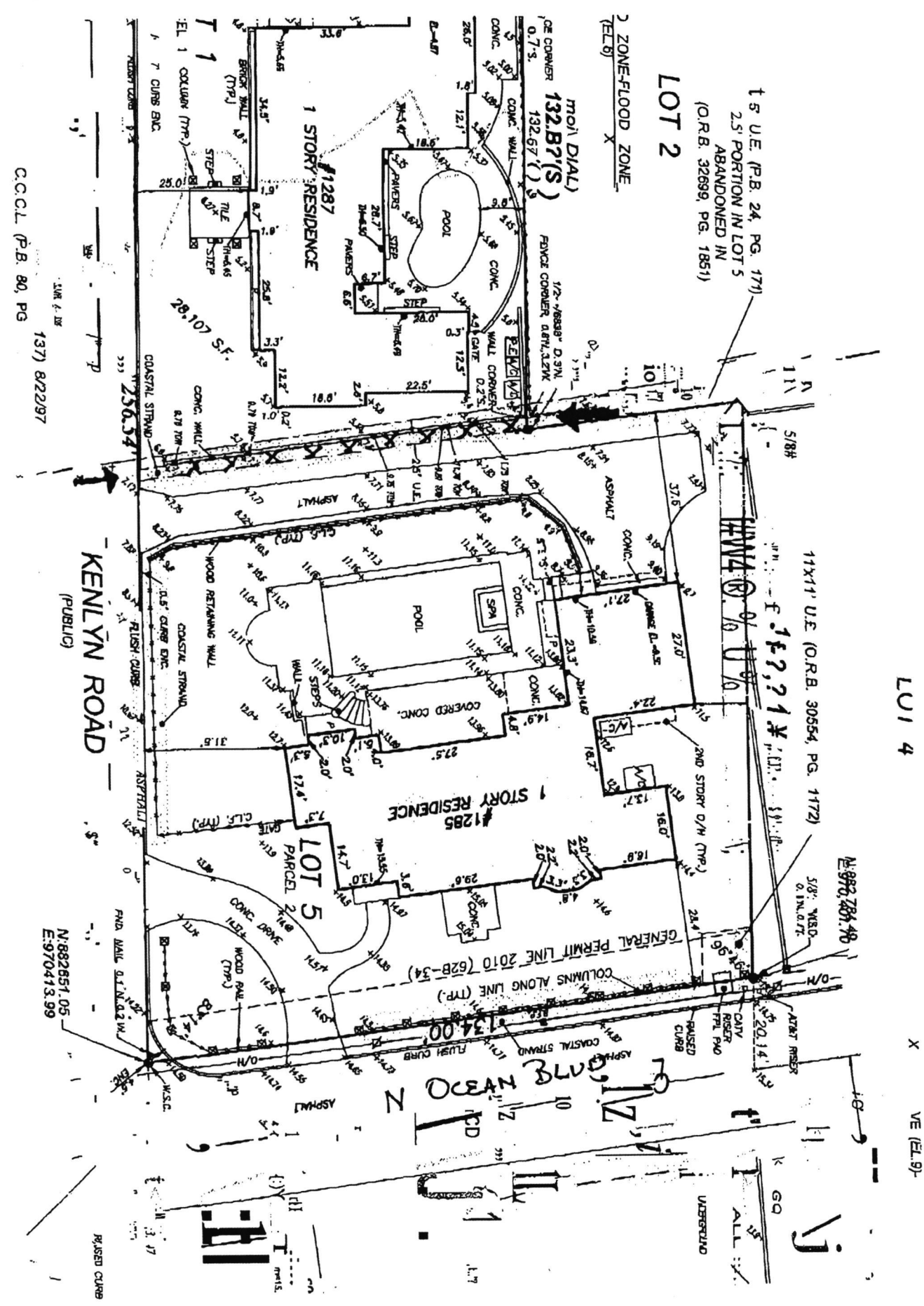
Sincerely yours,

Law Office of Paul A. Krasker, P.A.

By: _____
Stacey K. Mackenzie
Legal Assistant

Town of Palm Beach – Water Resources
Dept. has no objection to the abandonment.

By _____
Print Name: Jeff Coleman
Title: Water Resource Manager


LOT 2
LOT 5
PARCEL 2
1 STORY RESIDENCE
#1285
#1287
KENLYN ROAD
(PUBLIC)
OCEAN BLVD.
POOL
SPA
PAVERS
ASPHALT
CONC.
WOOD RETAINING WALL
COVERED CONC.
WOOD DECK
CONC. DRIVE
COASTAL STRAND
FLUSH CURB
RAISED CURB
GENERAL PERMIT LINE 2010 (62B-34)
COLUMNS ALONG LINE (TYP.)
11X11' U.E. (O.R.B. 30554, PG. 1172)
5' U.E. (P.B. 24, PG. 171)
2.5' PORTION IN LOT 5
ABANDONED IN
(O.R.B. 32699, PG. 1851)
ZONE-FLOOD ZONE X (EL 8)
256.34'
134.00'
28,107 S.F.
N:882551.05
E:970413.99
N:882,728.40
E:970,401.40
137) 8/22/97
C.C.C.L. (P.B. 80, PG
Abandonment Area

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Ellie Halperin. Esq.
Direct Line: 561.478.4722
Email: ellie@halperin-law.com

31 August, 2022

via fax: (561) 835-4691

Town of Palm Beach – Electrical
951 Okeechobee Rd., Suite A
West Palm Beach, FL 33401

Attn: Paul Colby, Facilities Maintenance Division Manager

re: Easement abandonment
1287 N. Ocean Way, Palm Beach, FL 33480
PCN: 50-43-43-03-07-000-0010

Dear Mr. Colby:

Please consider this letter our request for a LETTER OF NO OBJECTION to the abandonment of the easement highlighted in yellow on the attached exhibit. The easement is located in the Town of Palm Beach, Florida.

If you have no objections, please indicate your consent by signature below and return this letter no later than September 15, 2022 by e-mail to assistant@halperin-law.com. If you have any questions or comments or if I may be of further assistance, please contact me at 561-478-4700.

Thank you for your assistance in this matter. I look forward to hearing from you shortly.

Sincerely yours,

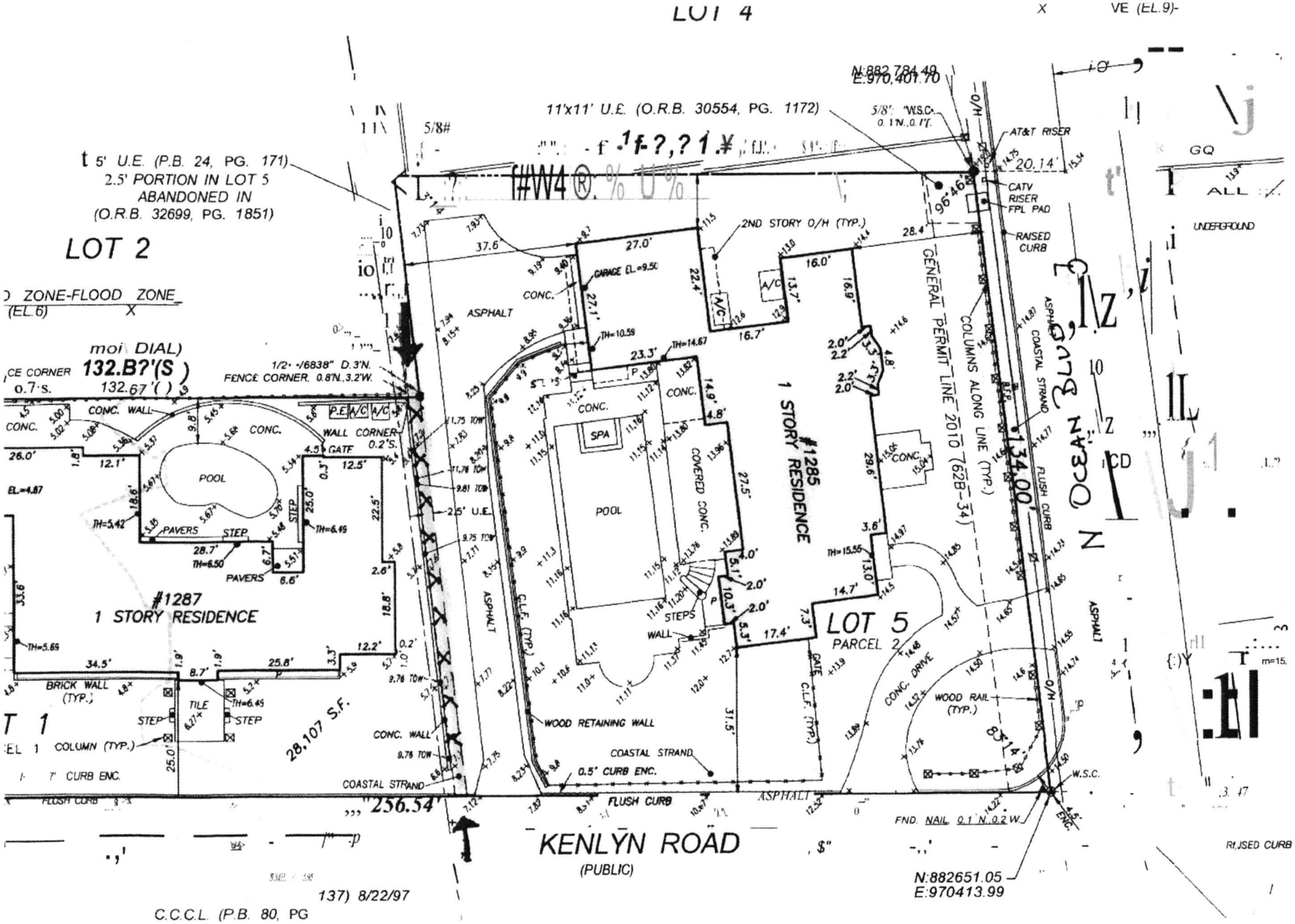
Law Office of Paul A. Krasker, P.A.

By:_____
Stacey K. Mackenzie
Legal Assistant

Town of Palm Beach – Electrical has no objection to the abandonment.

By_____
Print Name:_____
Title:_____

04-03-2023 TCM Backup



Abandonment Area

229

Parcel Number	Owner Name	Owner Name 2	Mailing 1	City State & Zip	Site Address	Buffer
50434303070000010	M2B Properties LLC		1266 W PACES FERRY RD NW # 500	Atlanta, GA 30327 2306	1287 N Ocean Way	
50434303050000010	Laurence Austin	Molly Austin	1300 N Ocean Blvd	Palm Beach, FL 33480 3123	1300 N Ocean Blvd	300
50434303050000011	Joan Van Der Grift		1300 N Ocean Way	Palm Beach, FL 33480 3131	1300 N Ocean Way	300
50434303050000030	Ashley Deflin McIntosh		235 Merrain Road	Palm Beach, FL 33480 3113	235 Merrain Road	300
50434303060000011	Richard D Buchan III	Hanna F Buchan	1270 N Ocean Blvd	Palm Beach, FL 33480	1270 N Ocean Blvd	300
50434303060000012	Marianne I Conese		1260 N Ocean Blvd	Palm Beach, FL 33480 3119	1260 N Ocean Blvd	300
50434303060000030	William C Johnston	Victoria E Johnston	202 Kenlyn Road	Palm Beach, FL 33480 3108	202 Kenlyn Road	300
50434303060000040	Deanna S Davis		218 Kenlyn Road	Palm Beach, FL 33480 3108	210 Kenlyn Road	300
50434303060000210	Robert A Roddy		231 Kenlyn Road	Palm Beach, FL 33480 3107	231 Kenlyn Road	300
50434303060000220	Ronald G Bruno	Lee A Bruno	3305 MISTY LN	Vestavia, AL 35243 2041	211 Kenlyn Road	300
50434303060000230	Robert I Gease	Robert I Gease Trust	201 Kenlyn Road	Palm Beach, FL 33480 3107	201 Kenlyn Road	300
50434303060000240	John L Cohlan	Louise R Cohlan	241 Kenlyn Road	Palm Beach, FL 33480 3107	241 Kenlyn Road	300
50434303060000251	Matthew C Womble	Astrid C Womble	1290 N Ocean Blvd	Palm Beach, FL 33480 3148	1290 N Ocean Blvd	300
50434303060000270	Dutch Italic LLC		200 Merrain Road	Palm Beach, FL 33480 3114	200 Merrain Road	300
50434303060000280	Andrew Stewart	Catherine M Stewart	PO BOX 4372	West Palm Beach, FL 33402 4372	210 Merrain Road	300
50434303060000290	Robert M Keith Jr	Kate L Keith	218 Merrain Road	Palm Beach, FL 33480 3114	218 Merrain Road	300
50434303070000020	Lavinia K Baker	Lavina K Baker Trust	340 Royal Poinciana Way, Ste 317/375	Palm Beach, FL 33480 4048	1291 N Ocean Way	300
50434303070000030	Richard Wehman	Richard H Wehman Trust	110 Merrain Road	Palm Beach, FL 33480 3112	110 Merrain Road	300
50434303070000050	M2B PROPERTIES LLC		1266 W Paces Ferry Road NW # 500	Atlanta, GA 30327 2306	1285 N Ocean Blvd	300
50434303080000240	Terry K Collier	Maria M Collier	1240 N Ocean Way	Palm Beach, FL 33480 3141	1240 N Ocean Way	300
50434303080000250	Marsha C Beeson		1250 N Ocean Blvd	Palm Beach, FL 33480 3119	1250 N Ocean Blvd	300
TOWN PROPERTY - NO PCN # NO MAILING	Town of Palm Beach		P.O. Box 2029	Palm Beach, FL 33480-2029	265 Palmo Way	300

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status and Review of Current Construction Impacts

Presenter

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

ATTACHMENTS:

- **Memorandum Dated March 22, 2023, from Patricia Strayer, P.E., Town Engineer**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: March 22, 2023

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

C. Coordination with Capital Projects:

Staff has been requested to present the capital projects scheduled to take place in the next couple of years. During the undergrounding update at Town Council staff will provide a presentation showing which capital projects are scheduled in relevance to the ongoing undergrounding phases.

II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, eleven (11) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N and 5S. Phase 6 North has begun. Phase 6 South is being delayed until more work is completed in Phases 4 and 5 South. The following progress has not been updated since the March 14 meeting.

A. Construction Progress:

Phase 1 North:
From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:
From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:
From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:
From Sloan's' Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 96% complete. Presently working with FPL on final feeder switching. All conversions are complete. Paving is complete with some items to come back and correct after the new year. Poles will be removed in May due to crews being redirected by FPL to the west coast of Florida after Hurricane Ian. Landscaping of equipment is being completed.

Phase 3 North Construction:
From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

Phase 3 South:
From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 81% complete. Almost equipment has been installed. The last areas being worked on are Gulfview Alley and behind the Colony and Esplanade. These areas were significantly more difficult to complete due to limited room and access. The contractor has worked with the property owners to schedule the work to optimize the ability of the property owners' access to each property. Switching of primary feeders has begun. This effort is scheduled and dependent on FPL release of orders.

- Because FPL controls the switching and this phase is very complex, it is difficult to give a date for when the poles can be removed. Staff is optimistic that poles can be removed prior to November.

Phase 4 North:
From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 93% complete. All equipment has been installed. All FPL conversations have been completed. Comcast and ATT are finalizing their work. Poles should be coming down by May. Paving plans need to be finalized with the expectation of completing paving by end of October.

Phase 4 South:
From Peruvian to Royal Palm Way

- Construction is 40% complete.
- All drilling and disruptive work will be completed in Phase 4 South by November.

Phase 5 North:
From Country Club Road to Southland Road

- Construction phase is 62% complete.
- ATT and Comcast will start installation in next 30 days.
- Poles should come down by the end of the year.

Phase 5 South:
From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Construction phase is 34% complete.
- All drilling and disruptive work will be completed by November.
- All equipment will be placed by November and FPL conversions should be underway.
- Poles will come down by June, 2024.

Phase 6 North:
From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Construction has begun.
- Poles should be removed mid 2024 if we stay on schedule and do not have any significant storms that may divert resources away from FPL switching and conversions.

Phase 6 South:
Seaspray Ave. to the south of Royal Poinciana Way

- Construction has not begun in earnest.
- All materials are available.
- Construction is being delayed so that efforts can be focused on Phases 4 and 5 South. The expectation is to get all drilling done in 4 and 5 South and only begin drilling in Phase 6 South at that time. This will help alleviate some of the congestion.

Phase 7 North:
Palm Beach Country Club north to the south side of List Road

- Design is 86% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 60 days.
- 69 of 78 (88%) easements approved.

Phase 7 South:
Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 85% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 60 days.
- 44 of 53 (83%) easements approved.

Phase 8:
Royal Poinciana Way north to Everglade Ave.

- Design is 31% complete and on schedule.
- 10 of 97 (10%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	$8,029,384.83	$7,710,000.00	$319,384.83	+4.1%
4N	$4,843,009.99	$5,360,000.00	($516,990.01)	-9.6%
4S	$8,803,506.00	$6,400,000.00	$2,403,506.00	+37.6%
5N	$7,347,435.31	$6,960,000.00	$387,435.31	+5.6%
5S	$8,102,327.89	$8,940,000.00	($837,672.11)	-9.4%
6N	$7,867,296.00	$5,620,000.00	$2,247,296.00	+40.0%
6S	$8,149,565.00	$10,040,000.00	($1,890,435.00)	-18.8%
Totals	**$53,142,525.02**	**$51,030,000.00**	**$2,112,525.02**	**+4.1%**

cc: Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
February 28, 2023

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	$ 12,620,000	$ 12,910,000	$ 12,773,514	$ 12,718,730	99.6%
Phase 2	$ 9,170,000	$ 13,470,000	$ 13,348,040	$ 13,482,698	101.0%
Phase 3	$ 10,910,000	$ 15,400,000	$ 16,427,031	$ 14,303,710	87.1%
Phase 4	$ 10,370,000	$ 15,220,000	$ 18,026,573	$ 10,830,540	60.1%
Phase 5 (Includes $8.5 Million FEMA Grant Offset)	$ 14,090,000	$ 11,694,645	$ 17,950,916	$ 9,475,469	52.8%
Phase 6	$ 16,820,000	$ 20,800,000	$ 19,966,261	$ 3,194,877	16.0%
Phase 7	$ 11,730,000	$ 15,910,000	$ 1,885,054	$ 1,645,259	87.3%
Phase 8	$ 12,300,000	$ 14,500,000	$ 1,446,577	$ 689,023	47.6%
Total Project Costs To Date	**$ 98,010,000**	**$ 119,904,645**	**$ 101,823,967**	**$ 66,340,306**	65.2%
Other Costs Associated Directly with the Project (Page 8)	$ 570,000	$ 2,957,405	$ 2,957,405	$ 2,728,002	92.2%
Grand Total of Costs Related to Project	**$ 98,580,000**	**$ 122,862,050**	**$ 104,781,372**	**$ 69,068,309**	65.9%
Debt Service and Related Debt Issuance Costs (Page 8)			$ 14,543,157	$ 15,601,204	107.3%
Total Other Costs Outside Underground Budget (Page 8)			$ 690,317	$ 1,679,132	243.2%
Grand Total of All Costs Related to the Project	**$ 98,580,000**	**$ 122,862,050**	**$ 105,471,689**	**$ 86,348,645**	81.9%

Total Project Budget - Opinion of cost for construction		$ 122,862,050
% Budgeted/Encumbered To Date Project Costs		85.28%
% Spent to Date - Project Costs		56.22%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	$ 18,329,914	$ 18,329,914	0.0%
Assessment Revenue	$ 25,280,000	$ 25,182,511	99.6%
Commercial Paper	$ -	$ -	0.0%
Town Owned Property Prepaid Assessments	$ 2,797,291	$ 2,797,291	100.0%
Interest	$ 1,667,009	$ 3,916,641	235.0%
GO Bond Proceeds 2018	$ 60,500,000	$ 60,499,897	100.0%
GO Bond Proceeds 2021	$ 9,198,896	$ 9,198,896	100.0%
1 Cent Sales Tax (CIP Pay go)	$ 5,000,000	$ 3,208,333	64.2%
FPL	$ 450,246	$ 450,246	100.0%
FEMA Grant	$ 8,500,000	$ 827,237	9.7%
Other			
Kevin McGann - CO #9	$ -	$ 34,900	0.0%
Donations - Civic Association	$ 49,250	$ 49,250	100.0%
Transfer from (307) Fund CIP	$ 760,200	$ 760,200	100.0%
Transfer from (401) Fund Marina	$ 5,200,000	$ 3,683,333	70.8%
Transfer from (001) General Fund - PM Salary	$ 942,116	$ 1,097,673	116.5%
Total Project Revenues	**$ 138,674,922**	**$ 130,036,324**	**93.8%**

Underground Utility Project Budget
Phase 1 Project Costs
February 28, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		**472,063**	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		**619,411**	619,411	100.0%
Task 2.3 - Permitting Assistance			**17,790**	17,790	100.0%
Task 2.4 - Bid Phase Assistance			**42,166**	42,166	100.0%
Task 2.5 - Meetings - Design Phase			**125,399**	125,383	100.0%
Subtotal Design Phase	***$ 1,330,000***	***$ 1,280,000***	***$ 1,276,829***	***$ 1,276,813***	**100.0%**
Construction Costs					
Phase 1 North Construction					
Preconstruction			**$ 19,720**	19,720	**100.0%**
Burkhardt Construction			**$ 3,598,144**	3,606,916	**100.2%**
Street Light Conversion			**$ 135,322**	135,322	**100.0%**
Change Order for AT&T and Comcast Conduit			**$ 500,655**	491,883	**98.2%**
Utlity Design Costs			**$ 15,595**	79,767	**511.5%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 476,776**	325,523	**68.3%**
Construction Engineering (KH)			**$ 207,771**	205,818	**99.1%**
	$ 4,210,000	**$ 4,930,000**	**$ 4,953,984**	**$ 4,864,949**	**98.2%**
Phase 1 South Construction					
Preconstruction			**$ 22,200**	22,200	**100.0%**
Whiting Turner Construction			**$ 4,450,977**	4,518,572	**101.5%**
Utlity Design Costs			**$ 33,013**	119,725	**362.7%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 1,374,193**	1,250,395	**91.0%**
Construction Engineering (KH)			**$ 317,963**	317,483	**99.8%**
	$ 6,800,000	**$ 6,350,000**	**$ 6,198,347**	**$ 6,228,375**	**100.5%**
Easement Recording Fees			**$ 740**	$ 740	**100.0%**
Legal Costs/Easement Acquisition - Jones Foster	**$ 280,000**	**$ 350,000**	**$ 301,359**	**$ 306,723**	**101.8%**
Legal Sketch and Description - Easements			**34,000**	33,215	**97.7%**
Easement Abandonment			**$ 8,256**	5,120	**62.0%**
Legal Advertising				2,795	
Total Phase 1 Costs	**$ 12,620,000**	**$ 12,910,000**	**$ 12,773,514**	**$ 12,718,730**	**99.6%**

Underground Utility Project Budget
Phase 2 Project Costs
February 28, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		$ 281,304	$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		$ 335,353	$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			$ 12,674	$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			$ 40,565	$ 40,565	100.0%
Task 1.6 Meetings North and South			$ 136,617	$ 131,510	96.3%
Total Phase 2 Design	**$ 735,000**	**$ 807,000**	**$ 806,513**	**$ 801,406**	**99.4%**
Construction Costs					
Phase 2 North Construction					
Preconstruction			$ 35,000	31,970	91.3%
Burkhardt Construction			$ 3,932,792	3,932,792	100.0%
Owner Purchased Supplies			$ 83,073	253,631	305.3%
FPL Design Cost			$ 11,759	34,936	297.1%
ATT Design Cost			$ 5,000	$ 10,000	200.0%
Comcast Design Cost			$ 5,000	$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			$ 496,307	$ 423,898	85.4%
FPL - Additional Vista Switches			$ 55,000	$ 54,938	99.9%
Construction Engineering (KH)			$ 248,121	$ 246,227	99.2%
Total Phase 2 North Construction	**3,800,000**	**5,020,000**	**$ 4,872,052**	**$ 4,992,974**	**102.5%**
Phase 2 South Construction	-				
Preconstruction			$ 35,000	87,667	250.5%
Burkhardt Construction			$ 6,322,275	6,237,992	98.7%
Owner Supplied Materials			$ 172,321	175,898	102.1%
FPL Design Cost			$ 13,330	34,936	262.1%
ATT Design Cost			$ 5,000	$ 5,000	100.0%
Comcast Design Cost			$ 5,000	$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			$ 601,448	$ 601,448	100.0%
Reimburse John Moran				$ 39,240	
Construction Engineering (KH)	-		$ 325,280	$ 313,992	96.5%
Total Phase 2 South Construction	**4,435,000**	**7,424,000**	**$ 7,479,654**	**$ 7,500,755**	**100.3%**
Easement Acquisition/Abandonment	**200,000**	**219,000**			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			$ 64,936	$ 64,935	100.0%
Task 1.5 Easement Assistance South			$ 77,466	$ 77,467	100.0%
Surveys					
Task 1.7 Legal Sketch North			$ 14,020	$ 14,020	100.0%
Task 1.7 Legal Sketch South			$ 21,725	$ 20,689	95.2%
Advertising			$ 1,200	$ 1,101	91.7%
Recording Costs			$ 3,605	$ 3,359	93.2%
Easement Abandonment			$ 6,870	$ 5,994	87.2%
Total Easement Acquisition Costs	**200,000**	**219,000**	**$ 189,822**	**$ 187,564**	**98.8%**
Total Phase 2 Costs	**$ 9,170,000**	**$ 13,470,000**	**$ 13,348,040**	**$ 13,482,698**	**101.0%**

Underground Utility Project Budget
Phase 3 Project Costs
February 28, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	$ 325,000		$ 280,189	$ 280,189	100.0%
Task 1.2 Phase 3 South Design	$ 535,000		$ 486,333	$ 486,323	100.0%
Task 1.3 Permitting Assistance			$ 13,739	$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			$ 36,834	$ 36,834	100.0%
Task 1.5 Meetings			$ 77,411	$ 76,626	99.0%
Total Phase 3 Design	**$ 860,000**	**$ 895,000**	**$ 894,505**	**$ 893,710**	**99.9%**
Construction Costs					
Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**			
Preconstruction			**$ 24,580**	$ 24,580	100.0%
Construction - Burkhardt			**$ 4,100,697**	$ 4,100,697	100.0%
Owner supplied materials			**$ 2,797**	$ 3,456	123.6%
FPL Design Cost			**$ 12,850**	$ 2,700	21.0%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost			**$ 3,128**	$ 3,128	100.0%
FPL Construction			**$ 87,101**	$ 87,101	100.0%
Street Light Conversion			**$ 4,249**	$ 7,012	165.0%
Utility Costs (Comcast & ATT)			**$ 409,387**	$ 428,207	104.6%
Construction Engineering (KH)			**$ 236,976**	$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			**$ 457,851**	$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			**$ 85,796**	$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			**$ 8,885**	$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			**$ 30,555**	$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlan			**$ (17,647)**	**(17,647)**	**100.0%**
Total Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**	**$ 5,452,205**	**$ 5,452,150**	**100.0%**
Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**			
Preconstruction			**$ 33,400**	33,400	100.0%
Construction			**$ 8,029,385**	6,264,916	78.0%
Owner supplied Pipe			**$ 153,809**	138,366	90.0%
FPL Construction			**$ 562,000**	562,905	100.2%
FPL Design Cost			**$ 11,359**	17,159	151.1%
FPL - 101 El Brillo			**$ 10,875**	10,875	100.0%
ATT Design and Construction Cost			**$ 425,000**	5,000	1.2%
Comcast Design and Construction Cost			**$ 195,128**	335,723	172.1%
Construction Engineering (KH)			**$ 322,540**	256,716	79.6%
Total Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**	**$ 9,743,496**	**$ 7,625,060**	**78.3%**
Easement Acquisition/Abandonment	**$ 260,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			**$ 273,390**	$ 271,913	99.5%
Easement Amendment			**$ 49,285**	$ 49,198	99.8%
Surveys					
Recording Costs			**$ 6,000**	$ 5,137	85.6%
Easement Abandonment			**$ 8,150**	$ 6,542	80.3%
Total Easement Acquisition Costs	**$ 260,000**	**$ 330,000**	**$ 336,825**	**$ 332,791**	**98.8%**
Total Phase 3 Costs	**$ 10,910,000**	**$ 15,400,000**	**$ 16,427,031**	**$ 14,303,710**	**87.1%**

Underground Utility Project Budget
Phase 4 Project Costs
February 28, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	$ 402,000		$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	$ 413,000		$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			$ 37,899	37,899	100.0%
Task 1.6 Meetings			$ 77,911	77,383	99.3%
Total Phase 4 Design	**$ 815,000**	**$ 894,000**	**$ 893,879**	**893,351**	**99.9%**
Construction Costs					
Phase 4 North Construction	**4,605,000**	**6,275,000**			
Preconstruction			**$ 22,270**	22,270	100.0%
Construction Costs			**$ 5,016,315**	4,486,275	89.4%
Owner Supplied Pipe and Vaults			**$ 156,238**	156,238	100.0%
FPL BCE			**$ 91,543**	91,543	100.0%
FPL Design Cost			**$ 12,757**	12,850	100.7%
ATT Design Cost			**$ 5,000**	5,000	100.0%
Comcast Design and Construction Cost			**$ 173,151**	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)					
Street Light Conversion FPL			**$ 4,222**	4,222	100.0%
Construction Engineering (KH)			**$ 324,309**	278,374	85.8%
Total Phase 4 North Construction	**$ 4,605,000**	**$ 6,275,000**	**$ 5,805,805**	**5,059,899**	**87.2%**
Phase 4 South Construction	**4,710,000**	**7,640,000**			
Preconstruction			**$ 34,800**	34,800	100.0%
Construction			**$ 8,906,006**	2,665,979	29.9%
Construction with Lake Drive Park			**$ 320,311**	363,499	113.5%
Owner Supplied Pipes			**$ 2,170**	2,170	100.0%
Reimbursement from Preservation Foundation			**$ (102,500)**	(102,500)	100.0%
Street Light Conversion (FPL)			**$ 7,098**	7,098	100.0%
FPL Design Cost			**$ 13,160**	1,350	10.3%
ATT Design Cost			**$ 5,000**	5,000	100.0%
Comcast Design Cost			**$ 3,128**	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			**$ 12,047**	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			**$ 1,334,427**	1,334,427	100.0%
Construction Engineering (KH)			**$ 333,659**	114,103	34.2%
Total Phase 4 South Construction	**$ 4,710,000**	**$ 7,640,000**	**$ 10,869,306**	**4,440,993**	**40.9%**
Easement Acquisition/Abandonment	**$ 240,000**	**$ 411,000**			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			**$ 280,270**	280,254	100.0%
Easement Assistance (KH) -- Switches			**$ 67,747**	67,481	99.6%
Easement Assistance (KH)			**$ 59,369**	44,143	74.4%
Surveys					
Legal Sketch			**$ 38,230**	38,092	99.6%
Legal Sketch - Switches			**$ 4,967**		
Jones Foster - Legal					
Recording Costs			**$ 7,000**	6,326	90.4%
Easement Abandonment					
Total Easement Acquisition Costs	**$ 240,000**	**$ 411,000**	**$ 457,583**	**436,296**	**95.3%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 15,220,000**	**$ 18,026,573**	**10,830,540**	**60.1%**

Underground Utility Project Budget
Phase 5 Project Costs
February 28, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	$ 520,000		$ 454,210	$ 454,210	100.0%
Task 1.2 Phase 5 South Design	$ 600,000		$ 606,951	$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			$ 17,100	$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			$ 37,899	$ 37,899	100.0%
Task 1.6 Meetings North/South			$ 77,911	$ 77,905	100.0%
Total Phase 5 Design	**$ 1,120,000**	**$ 1,195,000**	**$ 1,194,071**	**$ 1,194,065**	**100.0%**
Construction Costs					
Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**			
Preconstruction			**$ 59,100**	59,100	100.0%
Construction			**$ 6,425,580**	4,152,161	64.6%
Construction Manager - Burkhardt			**$ 940,702**	489,165	52.0%
Utility Costs (FPL, Comcast, AT&T)			**$ 67,157**	67,157	100.0%
AT&T Design			**$ 5,000**	5,000	100.0%
FPL Design Costs			**$ 16,223**	30,330	187.0%
Reimburse Caren and Gary Marder work performed			**$ 6,100**	6,100	100.0%
Construction Engineering (KH)			**$ 334,147**	205,424	61.5%
Total Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**	**$ 7,854,009**	**$ 5,014,437**	**63.8%**
Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**			
Preconstruction			**$ 59,100**	59,100	100.0%
Construction			**$ 6,629,361**	1,866,659	28.2%
Infrastructure from Phase 4 south bid - Not part of Grant			**$ 163,350**	45,019	27.6%
Construction Manager - Burkhardt			**$ 979,098**	469,967	48.0%
Utility Costs (FPL, Comcast, AT&T)			**$ 365,720**	365,720	100.0%
AT&T Design			**$ 5,000**	5,000	100.0%
FPL Design Costs			**$ 19,283**	20,633	107.0%
Construction Engineering (KH)			**$ 334,159**	98,724	29.5%
Total Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**	**$ 8,555,071**	**$ 2,930,822**	**34.3%**
Easement Acquisition/Abandonment	**$ 330,000**	**$ 365,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 218,600**	$ 218,536	100.0%
Easement Assistance			**$ 81,086**	$ 78,699	97.1%
Surveys					
Legal Sketch			**$ 41,080**	$ 32,603	79.4%
Legal Ads			**$ 1,000**	$ 585	58.5%
Recording Costs			**$ 6,000**	$ 5,723	95.4%
Easement Abandonment				$ -	
Total Easement Acquisition Costs	**$ 330,000**	**$ 365,000**	**$ 347,766**	**$ 336,146**	**96.7%**
FEMA Grant		**$ (8,465,355)**			
Total Phase 5 Costs	**$ 14,090,000**	**$ 11,694,645**	**$ 17,950,916**	**$ 9,475,469**	**52.8%**

Underground Utility Project Budget
Phase 6 Project Costs
February 28, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	$ 420,000		$ 475,019	$ 475,019	100.0%
Task 1.2 Phase 6 South Design	$ 940,000		$ 826,551	$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			$ 17,694	$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			$ 35,938	$ 35,938	100.0%
Task 1.6 Meetings North			$ 84,791	$ 84,765	100.0%
Total Phase 6 Design	$ 1,360,000	$ 1,440,000	$ 1,439,993	$ 1,439,967	100.0%
Utility and Construction Costs					
Phase 6 North Construction	$ 4,790,000	$ 6,615,000			
Preconstruction			$ 24,270	24,270	100.0%
Construction			$ 7,867,296	193,022	2.5%
Approved Change Orders					
FPL Design Cost			$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			$ 295,632	295,632	100.0%
Construction Engineering (KH)			$ 344,177	26,514	7.7%
Total Phase 6 North Construction	$ 4,790,000	$ 6,615,000	$ 8,547,243	$ 568,637	6.7%
Phase 6 South Construction	$ 10,270,000	$ 12,298,000			
Preconstruction			$ 24,270	24,270	100.0%
Construction			$ 8,400,000		
Approved Change Orders					
FPL Design Cost			$ 29,924	29,924	100.0%
ATT Design Cost			$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			$ 754,815	754,815	100.0%
Construction Engineering (KH)			$ 344,007	18,240	5.3%
Total Phase 6 South Construction	$ 10,270,000	$ 12,298,000	$ 9,563,016	$ 837,249	8.8%
Easement Acquisition/Abandonment	$ 400,000	$ 447,000			
Kimley Horn Easement Assistance					
Easement Assistance			$ 351,594	$ 315,329	89.7%
Surveys					
Legal Sketch			$ 58,415	$ 29,947	51.3%
Legal Ads			$ 1,000	$ 113	11.3%
Recording Costs			$ 5,000	$ 3,636	72.7%
Easement Abandonment				$ -	
Total Easement Acquisition Costs	$ 400,000	$ 447,000	$ 416,009	$ 349,024	83.9%
Total Phase 6 Costs	$ 16,820,000	$ 20,800,000	$ 19,966,261	$ 3,194,877	16.0%

Underground Utility Project Budget
Phase 7 Project Costs
February 28, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	$ 450,000		$ 492,488	$ 467,864	95.0%
Task 1.2 Phase 7 South Design	$ 480,000		$ 630,830	$ 599,289	95.0%
Task 1.3 Bid Phase Assistance North and South			$ 35,938	$ -	0.0%
Task 1.4 Meetings North and South			$ 77,616	$ 77,535	99.9%
Total Phase 7 Design	**$ 930,000**	**$ 1,237,000**	**$ 1,236,872**	**$ 1,144,687**	**92.5%**
Utility and Construction Costs					
Phase 7 North Construction	**$ 5,140,000**	**$ 7,005,000**			
Preconstruction			**$ 47,500**	11,515	**24.2%**
Construction					
Chicane Demonstrations			**$ 47,500**	14,354	**30.2%**
FPL Design Cost			**$ 15,806**	27,165	**171.9%**
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	**$ 5,140,000**	**$ 7,005,000**	**$ 110,806**	**$ 53,034**	**47.9%**
Phase 7 South Construction	**$ 5,380,000**	**$ 7,320,000**			
Preconstruction			**$ 47,500**	11,515	**24.2%**
Construction					
Chicane Demonstrations			**$ 47,500**	14,354	**30.2%**
FPL Design Cost			**$ 19,953**	19,953	**100.0%**
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	**$ 5,380,000**	**$ 7,320,000**	**$ 114,953**	**$ 45,822**	**39.9%**
Easement Acquisition/Abandonment	**$ 280,000**	**$ 348,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 346,459**	$ 346,356	100.0%
Easement Assistance			**$ 69,964**	$ 51,522	73.6%
Surveys					
Legal Sketch					
Legal Ads			**$ 1,000**	$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			**$ 5,000**	$ 3,726	74.5%
Total Easement Acquisition Costs	**$ 280,000**	**$ 348,000**	**$ 422,423**	**$ 401,716**	**95.1%**
Total Phase 7 Costs	**$ 11,730,000**	**$ 15,910,000**	**$ 1,885,054**	**$ 1,645,259**	**87.3%**

Underground Utility Project Budget
Phase 8 Project Costs
February 28, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	$ 1,010,000	$ 1,151,000	$ 1,029,017	$ 411,607	40.0%
Task 1.2 Permitting Assistance			$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			$ 14,430		0.0%
Task 1.4 Meetings			$ 89,778	$ 11,106	12.4%
Total Phase 8 Design	**$ 1,010,000**	**$ 1,151,000**	**$ 1,150,919**	**$ 422,713**	**36.7%**
Utility and Construction Costs					
Phase 8 Construction	**$ 10,990,000**	**$ 13,107,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 13,160**	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	**$ 10,990,000**	**$ 13,107,000**	**$ 13,160**	**$ 13,160**	**100.0%**
Easement Acquisition/Abandonment	**$ 300,000**	**$ 242,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 227,724**	$ 211,316	92.8%
Surveys					
Legal Sketch					
Legal Ads				$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			**$ 49,774**	$ 41,587	83.6%
Temp Services					
Recording Costs			**$ 5,000**	$ 190	3.8%
Total Easement Acquisition Costs	**$ 300,000**	**$ 242,000**	**$ 282,498**	**$ 253,150**	**89.6%**
Total Phase 8 Costs	**$ 12,300,000**	**$ 14,500,000**	**$ 1,446,577**	**$ 689,023**	**47.6%**

Underground Utility Project Budget
Other Project Costs
February 28, 2023

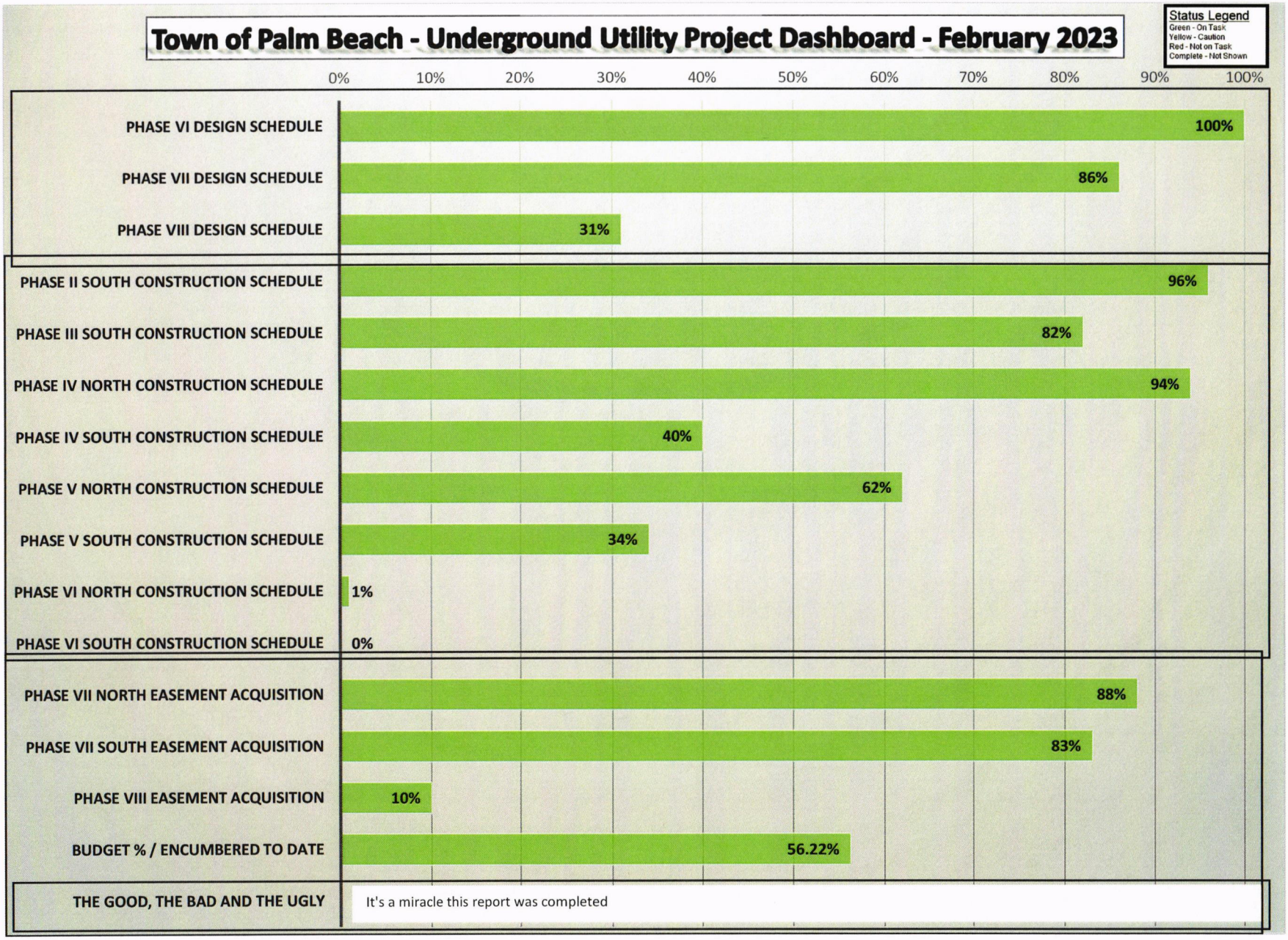
Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	$ 23,511	$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	$ 161,756	$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	$ 31,244	$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	$ 77,660	$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	$ 17,448	$ 17,448	100.0%
Task 1.6 - Master Plan Document	$ 45,053	$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	$ 113,135	$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	$ 40,067	$ 40,067	100.0%
Subtotal Master Planning	***$ 597,895***	**$ 597,883**	100.0%
Comcast Preplanning - Master Plan	**$ 12,015**	$ 12,015	100.0%
Assessment Costs, Legal, Fees and Discounts	**$ 950,000**	$ 947,590	99.7%
Project Manager -Pay and benefits	**$ 840,000**	$ 689,750	82.1%
Temp Services - Easement Acquisition	**$ 150,000**	$ 106,050	70.7%
Other Miscellaneous Expenses		$ 24,620	
General Easement Assistance	**$ 24,976**	$ 24,838	99.4%
Community Outreach	**$ 282,519**	$ 225,256	79.7%
Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)	**$ 100,000**	$ 100,000	100.0%
Total Other Project Costs	**$ 2,957,405**	**$ 2,728,002**	**92.2%**

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost	**$ 260,116**	$ 260,116	100.0%
Commercial Paper Interest	**$ 243,096**	$ 243,096	100.0%
Arbitrage Rebate Calculation	**$ 2,500**	$ 2,900	116.0%
Debt Service Fees	**$ 2,000**	$ 500	25.0%
GO Bond Closing Costs 2018	**$ 488,271**	$ 487,471	99.8%
GO Bond Closing Costs 2021	**$ 202,169**	$ 202,380	100.1%
GO Bond Debt Service	**$ 13,345,005**	$ 14,404,742	107.9%
Total Debt Service and Related Debt Issuance Costs	**$ 14,543,157**	**$ 15,601,204**	**107.3%**

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	**$ 25,231**	$ 24,430	96.8%
Project Construction	**$ 351,081**	$ 351,081	100.0%
Project Construction Engineering	**$ 11,607**	$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 2,914	87.4%
Total Lake Worth Section	**$ 525,586**	$ 518,805	98.7%
Ibis Way PGD Improvements	**$ 14,583**	$ 14,583	100.0%
Crosswalk Spare Conduits	**$ 26,148**	$ 17,519	67.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		$ 183,701	
Kosberg v TPB Legal and Other Costs		$ 615,602	
PBT Real Estate v TPB		$ 197,178	
Gardner, Bist Bowden, Bush (Shef Wright)		$ 24,799	
Telecommunications Consultant	**$ 89,000**	$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 23,735	67.8%
Total Related Costs Outside of the Budget	**$ 690,317**	**$ 1,679,132**	**243.2%**


Town of Palm Beach - Underground Utility Project Dashboard - February 2023
Status Legend
Green - On Task
Yellow - Caution
Red - Not on Task
Complete - Not Shown
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
PHASE VI DESIGN SCHEDULE
100%
PHASE VII DESIGN SCHEDULE
86%
PHASE VIII DESIGN SCHEDULE
31%
PHASE II SOUTH CONSTRUCTION SCHEDULE
96%
PHASE III SOUTH CONSTRUCTION SCHEDULE
82%
PHASE IV NORTH CONSTRUCTION SCHEDULE
94%
PHASE IV SOUTH CONSTRUCTION SCHEDULE
40%
PHASE V NORTH CONSTRUCTION SCHEDULE
62%
PHASE V SOUTH CONSTRUCTION SCHEDULE
34%
PHASE VI NORTH CONSTRUCTION SCHEDULE
1%
PHASE VI SOUTH CONSTRUCTION SCHEDULE
0%
PHASE VII NORTH EASEMENT ACQUISITION
88%
PHASE VII SOUTH EASEMENT ACQUISITION
83%
PHASE VIII EASEMENT ACQUISITION
10%
BUDGET % / ENCUMBERED TO DATE
56.22%
THE GOOD, THE BAD AND THE UGLY
It's a miracle this report was completed

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Update on Florida Department of Transportation (FDOT) Projects within the Town of Palm Beach

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

ATTACHMENTS:

- **Memorandum dated March 27, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- **A1A Response from FDOT**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Update on Florida Department of Transportation Projects within the Town of Palm Beach

DATE: March 27, 2023

STAFF RECOMMENDATION

Town staff was requested to provide an update of Florida Department of Transportation (FDOT) projects within the Town of Palm Beach.

GENERAL INFORMATION

Town staff has been in contact with FDOT on several efforts within the Town. Below is an update on each project.

South Ocean Boulevard between Ibis Way and Lake Avenue

At the May 10, 2022 Town Council Meeting, staff presented an evaluation of the proposed FDOT project for improvements on South Ocean Boulevard from Lake Avenue to Ibis Way. As a result of the Town Council discussion, a letter from Mayor Danielle Moore was sent to the FDOT Project Manager on May 31st expressing the Town's position on the project. On June 2nd, staff and Town Council members attended a public meeting held by FDOT which presented the aspects of this project to the public. At this meeting, Jason Debrincat, Senior Project Engineer, read the Mayor's letter into the record.

At the December 13, 2022 meeting, staff provided an additional briefing. At the conclusion of the briefing, Town Council requested a letter from Mayor Danielle Moore be sent to the Governor stating the Town's position on the FDOT improvements. At this time, the Town has not received a response from the Governor.

State Road A1A from Emerald Way to Royal Palm Way

Staff presented an update of the FDOT project from Emerald Way to Royal Palm Way at the February 14, 2023 meeting. FDOT has been working with Town staff for the last several months on this project within the Town limits. FDOT held a public meeting on this project February 7, 2023. The Town's primary objections were to the additional stripping of pavement between the parking and the driving lane and the inclusion of pavement marking for bicyclist throughout the corridor. Town Council requested Mayor Danielle Moore to send a letter to the District Four Secretary of FDOT. This letter was sent March 2, 2023. Staff has continued to work with FDOT on this project. Staff has received assurances that the additional markings between the parking and the travel lanes will be removed.

Subsequent to this letter, Mayor Moore received a response from the District Four Secretary reiterating that the pavement markings for bicyclist are required.

Staff has received the Memorandum of Agreement from FDOT which outlines the shared cost for upgrades to the mast arms and additional sidewalk between Brazilian Avenue and Royal Palm Way. Staff is presently reviewing the cost estimates and the agreement language. These should be presented to Town Council for consideration at the May meeting.

State Road A1A from Ibis Way north to Emerald Way

Included in the letter dated March 14, 2023 from the District Four Secretary, a new project was identified. This project had not been mentioned in any previous discussions or presentations. This is the section of A1A that would connect the above two (2) projects. The letter indicates the design is scheduled to begin in the spring of 2023. Construction is programmed for the fall of 2025.

Royal Palm Bridge Painting

The Royal Palm Way bridge painting is scheduled to begin May 2023. Staff will work with FDOT to minimize impacts to traffic across the bridge.

FUNDING/FISCAL IMPACT

If approved by Town Council, funding for upgrades such as decorative mast arms in place of FDOT standard mast arms will come from the Capital Improvement Plan Budget as part of the Pavement Management Program. These will be limited to cost difference of standard FDOT mast arms and decorative mast arms. The cost will also include the additional private sidewalk between Brazilian Avenue and Royal Palm Way.

Attachment

cc: Carolyn Stone, Assistant Town Manager
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Mark Bresnahan, Recreation Director

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Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

March 14, 2023

The Honorable Danielle H. Moore
Mayor of Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Dear Mayor Moore,

The Florida Department of Transportation (Department) is in receipt of the recent letters and e-mails from residents along SR A1A in the Town of Palm Beach to Governor DeSantis. We acknowledge the residents' and Town's concerns with the proposed addition of bicycle facilities on SR A1A in the Town's limits. However, the Department is required to provide safe bicycle facilities, where feasible, when implementing projects. Additionally, it is noted that the Palm Beach Transportation Planning Agency (TPA) has designated SR A1A in the Town of Palm Beach as part of their priority bicycle network.

The following is a summary of the three SR A1A resurfacing projects in the Town of Palm Beach proposing improvements to the bicycle accommodations in their respective limits:

1. SR A1A/South Ocean Blvd from South of Lake Avenue to North of Ibis Way
    - Project Number 447663-1-52-01
    - Design underway and scheduled to complete by fall 2023
    - Construction is programmed to begin in the summer/fall 2024
    - Previous coordination between the Town and Department on this segment minimized the additional pavement proposed to accommodate bicycle facilities to widening within the existing unpaved shoulders. The existing shoulder is 3-feet paved and 3-feet grass. The design includes paving two more feet of the existing shoulder.
    - There will be a second public workshop for this segment of SR A1A this spring/summer to provide the opportunity for the public to provide further feedback

2. SR A1A/South Ocean Blvd from North of Ibis Way to South of SR 80/Emerald Beach Way
    - Project Number 448417-1-52-01
    - Design scheduled to start in spring 2023
    - Construction is programmed to begin in the fall 2025
    - The Department will be starting the design phase in the coming months and will coordinate with the Town similar to the other segments. The challenge again will be balancing the need for bicycle and pedestrian facilities along with improving the pavement conditions.

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3. SR A1A/South Ocean Blvd from South of SR 80/Emerald Beach Way to Royal Palm Way
    - Project Number 446175-1-52-01
    - Design underway and scheduled to complete by summer 2023
    - Construction is programmed to begin in early 2024
    - As recently presented at the public workshop, this section of SR A1A does not have adequate space to provide additional pavement so the use of sharrow pavement markings and bicycle signing is proposed

Please contact Steve Braun, Director of Transportation Development, at (954) 777-4143 or via email at steve.braun@dot.state.fl.us, with any questions or concerns.

Sincerely,

DocuSigned by:
Gerry O'Reilly
135C31FECBB44E3...

Gerry O'Reilly, P.E.
District Four Secretary

GO:jhj

cc: Patricia Schuldenfrei
Irwin Meisler
Sheri Bonnell
Linda Sosnowitz
Nancy Yanofsky
Bradley Wensel
Richard Horowitz
Valerie Neilson, Executive Director – Palm Beach TPA

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion and Decision Regarding Removal of Sargassum from the North end Beach

RESOLUTION NO. 027-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-15 for Beach Maintenance Services to BeachKeeper, Inc. in the amount of $82,160, Establishing a Project Budget of $200,000 and Establishing a Five-year award based on Satisfactory Performance and Budget Authorization in the Amount of $1,000,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- **Memorandum dated March 22, 2023, from Dean Mealy, Procurement and Contract Manager**
- **Summary: Sargassum Accumulation on County Beaches**
- **Resolution No. 027-2023**

Information for Town Council Meeting on March 14, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II, CPPO, Town Procurement and Contract Manager

RE: Resolution No. 027-2023, Approving the Award of ITB No. 2023-15 for Beach Maintenance Services to BeachKeeper, Inc. in the amount of $82,160, establish a project budget of $200,000 and establish a five-year award based on satisfactory performance and budget authorization in the amount of $1,000,000

DATE: March 22, 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 027-2023, Approving the Award of ITB No. 2023-15 for Beach Maintenance Services to BeachKeeper, Inc. in the amount of $82,160, establish a project budget of $200,000 and establish a five-year award based on satisfactory performance and budget authorization in the amount of $1,000,000.

SUMMARY EXPLANATION/BACKGROUND

Town Procurement and Contract Management issued ITB No. 2023-15 for Beach Maintenance Services on January 26, 2023, as the existing five-year award no additional option years.

The Town advertised through DemandStar to 314 firms. In addition, Procurement and Contract Management sent invitations to 73 suppliers to participate in the solicitation. The Town received two submissions that were noted to be responsive to the bid solicitation scope. BeachKeeper, Inc. is being recommended for award based on their submission and reference checks. The incumbent vendor, Universal Beach Service Corporation did not bid for this solicitation.

2023 is expected to be a record year for sargassum washing ashore on the beaches of Florida. This is expected to impact our beaches through the summer months and into the fall. With the Town's current 5-year beach maintenance services contract expiring in May, the Town resolicited with a flexible scope of work in order to best accommodate the increased sargassum concern. The lowest responsive bid received for ITB 2023-15, Beach Maintenance Services, was from Beachkeeper, Inc. This firm has performed beach raking for many private residences and condominiums in the Town for a number of years and has a good working relationship with the Town's sea turtle nesting monitor.

The annual budget and previous beach maintenance services supported beach cleaning activities

twice-a-week, generally Mondays and Fridays, along the Town's public beaches in both Mid-Town and Phipps. The new contract with BeachKeeper will have the ability to increase the weekly cleaning frequency from twice-a-week to anything more to keep up with the demand should the volume of sargassum warrant. The new contract will also include the beaches at the north end of the Town. Although these beaches are private, this area is unique to the other beaches of the Town as the inlet jetty tends to trap large volumes of sargassum in this area.

The beach maintenance services scope with BeachKeeper includes picking up trash and debris before raking the beaches. Consistent with previous years, raked sargassum will be buried in the wet beach.

Should the volume of sargassum reach a point that burying in the wet beach becomes unsustainable, the Town has been working with the Florida Fish and Wildlife Conservation Commission to come up with a pilot project of alternative actions to take that are mindful to sea turtle nesting. These alternatives include placing the sargassum along the inlet jetty and covering with sand (to create a buffer for turtles from getting caught in the jetty) or excavating deep holes in the dry beach within our nourishment areas and burying the sargassum with at least 3 feet of sand. Any of these activities are outside of the typical procedures for handling sargassum. The Town has committed to additional sea turtle nesting monitoring if it becomes necessary to take these actions. Such monitoring could track what influence these actions have on nesting and whether statewide policies can be adjusted based on the monitoring results. In order to accomplish these added tasks, the Town performed a solicitation in late 2022 to have contractors pre-qualified for sargassum and debris removal.

FUNDING IMPACT/FUNDING SOURCE

The funding for this project is from the Coastal Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

Issue Summary:
Sargassum Accumulation on County Beaches

Prepared for: Palm Beach County Board of County Commissioners
By:
Environmental Resources Management (ERM) and Park and Recreation (Parks)
March 14, 2023

Commissioners are often contacted by their constituents in the summer months regarding concerns over accumulations of floating sargassum (seaweed) and associated beach management practices. The summary below presents a brief introduction to the issue, ERM's management principles and various resources available for general information and education.

Introduction to Sargassum

Sargassum is a type of brown algae that drifts on the ocean surface, often accumulating in large, dense mats formed by wind and currents. Sargassum, commonly referred to as seaweed, blooms in the Atlantic Ocean and is spread throughout the Caribbean, the Gulf of Mexico, Florida and beyond primarily by the Gulf Stream. As sargassum blooms and is spread by currents, very large and dense mats may be brought ashore by prevailing winds and currents. When significant amounts of sargassum are present, persisting conditions can form large accumulations along beaches and coastlines throughout the Caribbean, Mexico, Texas and Florida, including Palm Beach County. Sargassum itself is not harmful to human health, but tiny organisms that live in it can irritate skin with direct contact.

Ongoing Issues

Sargassum represents a critical part of the beach, dune, and oceanic ecosystems. Seasonal and annual sargassum abundance is affected by numerous physical and climatological factors, but remains a cyclical component of our local coastal and offshore ecosystems. Technological advances have improved the knowledge base and have provided additional data that has increased the general awareness of sargassum. Satellite tracking advances have also improved the ability to track both sargassum abundance and movement, serving as a general forecast. This information has been shared widely in the media since 2018, with recent reports suggesting high levels sargassum abundance and potential for significant accumulation in the coming summer months.

Large accumulations of sargassum, while temporary in nature, can be considered a nuisance or potentially harmful to public safety in that they can cover large stretches of beaches, blocking access to the water. Significant accumulations can also impact tourism in destination areas where beaches are a primary attraction to visitors. These accumulations may result in unpleasant odors caused by decaying material or may trap harmful waste and human generated debris. These factors have driven many different management strategies throughout the regions and destinations most often impacted by significant accumulations.

Sargassum in Palm Beach County

In Palm Beach County, accumulations are most common in the summer months when seasonal onshore winds blow concentrations of sargassum from the Gulf Stream towards shore. Given the shape of the County's coastline and proximity to the Gulf Stream, south county beaches are typically more impacted. North of Lake Worth Inlet, the distance between the Gulf Stream and the coastline progressively increases, reducing the frequency of large accumulations on north county beaches.

Palm Beach County maintains a very long and successful program of coastal management directed at maintaining healthy beach and dune systems for sea turtle nesting habitat, storm protection, recreational use, and to support the positive economic benefits from tourism. The County's efforts include direct management and nourishment of various beaches, dunes and inlets and as a project partner to cost-share with various municipalities who manage their own coastal programs.

Sargassum Management

Palm Beach County maintains a "hands-off" management approach to sargassum accumulations on County-owned beaches for various reasons:

- Sargassum is a naturally occurring algae that represents a critical component to the County's beach and dune ecosystem, providing food and shelter for native wildlife and nutrients and stability to dune plants.
- Moderate accumulations capture wind-blown sand which help naturally built the beaches and make them more resilient to erosion from storms or high wave events.
- Significant accumulations typically coincide with peak sea turtle nesting season during summer months. Three species of endangered sea turtles nest on Palm Beach County's beaches, which are federally-designated as critical sea turtle nesting habitat. The numbers of sea turtle nests in the County can exceed 40,000 in a single nesting season, often representing the highest nesting density in the state and country. Any active physical management of the sargassum can introduce unintended impacts and is strictly avoided during the nesting season.
- Removal of accumulations can be costly and offer limited benefits as seasonal winds continue to drive floating sargassum onto the coastlines.
- Parks and Recreation staff and volunteers daily remove human generated debris and litter from sargassum on County beaches.

While the County does not actively remove sargassum from our beaches, there are multiple existing and emerging alternatives being implemented to manage significant accumulations of sargassum. These alternatives are based on site-specific conditions in various geographic locations, but come with significant operating or capital cost, logistical difficulties and regulatory challenges. The alternatives list below are not considered suitable for use locally or are not consistent with the County's ecosystem based management objective.

- Beach raking is the most commonly used mechanical management practice and consists primarily of the physical removal of accumulated sargassum along the beach using tractors and other vehicles on the beach to remove the sargassum and other debris. Beach raking is regulated by the Florida Department of Environmental Protection (FDEP), with permits issued to public and private applicants that include various conditions designed to minimize potential impacts to the beach and natural resources such as sea turtles and shore birds. When a beach is raked it does not remove sargassum in the water. Therefore, sargassum will often deposit on the beach with the next tidal cycle. **Palm Beach County does not contract for routine mechanical removal of sargassum. It is left in-place and allowed to remain a part of the ecosystem benefiting both the environment and lowering operational costs. Multiple municipalities and private entities do contract for routine mechanical beach raking. When significant accumulations block recreational access to the water or impede ocean rescue operations within County Parks, the Parks and Recreation Department may conduct hand raking of sargassum on the beach to clear paths and facilitate access to and from the water. In the very rare instance that accumulations grow to an amount that no longer dissipates with multiple tidal cycles and can no longer reasonably be hand raked to create paths, Parks and Recreation may seek a permit for a one-time mechanical removal with wildlife monitoring in place.**
- Floating barriers are becoming a more common management practice in areas impacted by accumulated sargassum. These systems include various sizes and lengths of floating materials that serve as deflection booms to prevent floating sargassum from reaching a beach or designated swim area. These systems may include various anchoring systems to hold the barriers in place and can be effective along beaches with low wave energy. **Currently, Palm Beach County does not support the installation of floating barriers due to the local high-energy wave climate and potential risks to nearshore coral resources and sea turtle populations.**
- Composting and re-purposing of accumulated sargassum is a newer practice where material is collected and transported for various uses. The accumulated material can be used to support and build existing dune systems, or be utilized specifically as a compost, where the material is spread out, tilled and left to become a soil alternative. **Palm Beach County does not utilize mechanical management measures for the removal and repurposing of accumulated material.**

ERM recognizes there are various perspectives and opinions on the potential impacts to public health and safety, recreation and tourism from the accumulation of sargassum along County beaches. ERM and Parks work cooperatively to ensure coastal management practices represent a balance of safe recreational use, coastal resiliency and the protection of natural resources. Both Departments maintain that sargassum is a natural and critical component of our coastal ecosystem and is best left in-place unless extreme accumulations impede ocean rescue operations. ERM's coastal program will continue to coordinate with Parks to monitor accumulation on area beaches and evaluate emerging management alternatives as they are developed.

Available Resources:

Share the Beach: Guidelines for Beach Cleaning during Sea Turtle Nesting season.
https://myfwc.com/media/3157/seaturtle-sharebeach-cleaning.pdf

Palm Beach County Guidelines for Beach and Dune Management
https://discover.pbcgov.org/coextension/horticulture/PDF/commercial/urbanforestry/beachdunemanagement09_updated.pdf

Florida Department of Environmental Protection-Removing Dead Fish and Seaweed from Florida Beaches
https://floridadep.gov/file/26755/download?token=d47iHe7K

Florida Department of Health Sargassum Fact Sheet
https://www.floridahealth.gov/environmental-health/beach-water-quality/_documents/sargassum-factsheet-appr-final.pdf

University of South Florida Satellite-based Sargassum Watch System (SaWS)
https://optics.marine.usf.edu/projects/saws.html

For More Information

Staff Contact: Michael Stahl, Deputy Department Director, ERM 561-233-2433 or mstahl@pbcgov.org

RESOLUTION NO. 027-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF ITB NO. 2023-15 FOR BEACH MAINTENANCE SERVICES TO BEACHKEEPER, INC. IN THE AMOUNT OF $82,160, ESTABLISHING A PROJECT BUDGET OF $200,000 AND ESTABLISHING A FIVE-YEAR AWARD BASED ON SATISFACTORY PERFORMANCE AND BUDGET AUTHORIZATION IN THE AMOUNT OF $1,000,000

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 027-2023, Approving the Award of ITB No. 2023-15 for Beach Maintenance Services to BeachKeeper, Inc. in the amount of $82,160, establishing a project budget of $200,000 and establishing a five-year award based on satisfactory performance and budget authorization in the amount of $1,000,000.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 3rd day of April 2023.

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

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) specifically to include the addition of two pickleball courts and the renovation and alteration of an existing lifeguard station into the approved site plan including variances to reduce setback requirements and to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project as presented at the March 22, 2023, meeting. Carried 7-0.]*

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum from Jennifer Hofmeister-Drew, Planner III**
- **Letter of Intent**
- **Plans**
- **Bulkhead Line - Exhibit**
- **Public Comment - Rieser**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

THRU: Wayne Bergman, MCP, LEED-AP
Director PZ&B

FROM: Jennifer Hofmeister-Drew, AICP
Planner III

SUBJECT: ZON-22-107 (COA-22-037)R1 2185 S OCEAN BLVD (COMBO)

MEETING: APRIL 4, 2023

ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) specifically to include the addition of two pickleball courts and the renovation and alteration of an existing lifeguard station into the approved site plan including variances to reduce setback requirements and to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

Applicant: Town of Palm Beach
Professional: Raymond Jungles, Inc, Fairfax, Sammons and Partners, LLC, and Kimley-Horn and Associates, Inc.
Representative: Harvey E. Oyer, III, Shutts and Bowen, LLP, and the Preservation Foundation of Palm Beach

THE PROJECT:



The applicant has submitted plans, entitled "PHIPPS OCEAN PARK", as prepared by Raymond Jungles, Inc., Fairfax, Sammons and Partners, LLC, and Kimley-Horn and Associates Inc., dated March 10, 2023.

The subject property consists of approximately 20.2 acres and is located at the intersection of South Ocean Boulevard and Ibis Way. Phipps Ocean Park maintains 1,203 feet of ocean frontage. The property has a Future Land Use designation of Recreation with a Zoning classification of Low Density Residential (R-B).

Site Data			
Future Land Use	Recreation	**Lot Size (SF)**	896,700 SF
Zoning District	R-B	**Base Flood Elevation**	Required: 8 feet Existing: NC Proposed: NC
C-O-R	4.72' NAVD	**Flood Zone**	Zone X, Zone AE8, and Zone VE-10
Lot Coverage	Required: 269,010 SF (30%) Existing: 15,455 SF (1.72 %) Proposed: 23,181 SF (2.59%	**Zero Datum for point of measurement**	P317 – Elevation=17.13" NAVD88

Surrounding Properties / Zoning	
North	2100 Condo at Sloan's Curve/Planned Unit Development (PUD-B) and Beach Area (BA) Zoning District
South	Reef Condo/Medium Density Residential (R-C) Zoning District
East	Atlantic Ocean/Beach Area (BA) Zoning District
West	Ibis Isle Subdivision/ Low Density Residential (R-B) and R-C Zoning Districts

BACKGROUND:

At the November 16, 2022, Landmark Preservation Commission (LPC) meeting, LPC approved the Certificate of Appropriateness for Phipps Ocean Park Master Plan located at 2185 South Ocean Boulevard with the following conditions made part of the Development Order:

1. Applicant *recommended* to study a 30-foot landscape buffer between the sports courts and neighboring properties and consider a north – south pedestrian sidewalk.
2. Final design of the proposed playground equipment shall be reviewed as a Staff Level Application.
3. The Ocean Bulkhead Variance shall apply to all structures proposed east of the 150 ft. Ocean Bulkhead setback line.

Additionally, the LPC recommended approval of the Special Exception with Site Plan Review and the associated variances.

Subsequently, at the December 13, 2022, Town Council meeting, the Town Council, after hearing all testimony, approved (5-0) the following special exception with site plan review in accordance with Section 134-229 and Section 134-329, items 1-11, as amended with the direction to defer the decision on the pickleball court to the February 14, 2023, Town Council meeting:

1. A Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) in the Low Density Residential (R-B) Zoning District.

Additionally, the following nine (9) Variances were approved (5-0), in accordance with 134-201 of the Town's zoning code:

- **VARIANCES 1 - 5:** Variance requests to reduce the ocean bulkhead setback requirement from 36.25 feet to 111.4 feet in lieu of the 150-foot setback required for proposed structures.

- **VARIANCE 6:** Pavilion #1: Variance request to allow an increase in height and overall height for the one-story beach pavilions by 1.4 feet to 15.4 feet in lieu of the maximum 14 feet.

- **VARIANCE 7:** Pavilion #2: Variance request to allow an increase in height and overall height for the one-story beach pavilions by 1.4 feet to 15.4 feet in lieu of the maximum 14 feet.

- **VARIANCE 8:** Pavilion #3: Variance request to allow an increase in height and overall height for the one-story beach pavilions by 1.5 feet to 15.5 feet in lieu of the maximum 14 feet.

- **VARIANCE 9:** Coastal Restoration Center: Variance request to allow an increase in building height by 0.5 feet to 14.5 feet in lieu of the maximum 14 feet and overall height for the one-story by 6.1 feet to 28.1 feet in lieu of the maximum 122 feet.

At the February 14, 2023, Town Council meeting, the applicant presented options for the number and location of the pickleballs courts to the Town Council. After deliberation and public input, the Town Council approved two (2) pickleball courts, which require variances to the front yard setback and the height for the fence surrounding the courts. Town Council directed staff to proceed with the variance requests.

Subsequently, a request to modify the design of the lifeguard station that conforms with the roof design of the remaining approved structures within the Phipps Ocean Park Master Plan. The proposed roof style exceeds the maximum building height in the R-B zoning district and the lifeguard station is seaward of the Town's Bulkhead Line setback requirement for new structures.

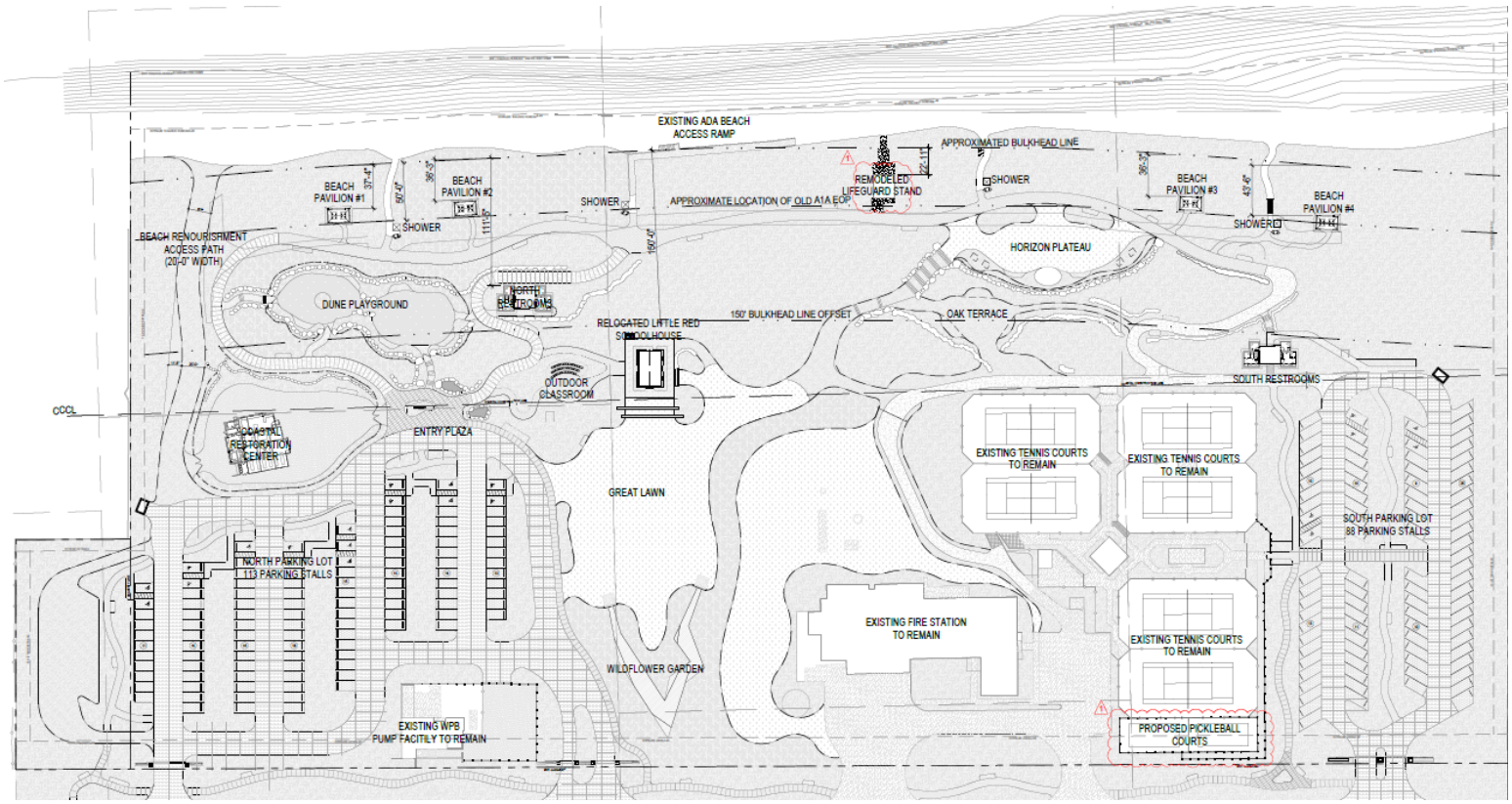
STAFF ANALYSIS

Zoning

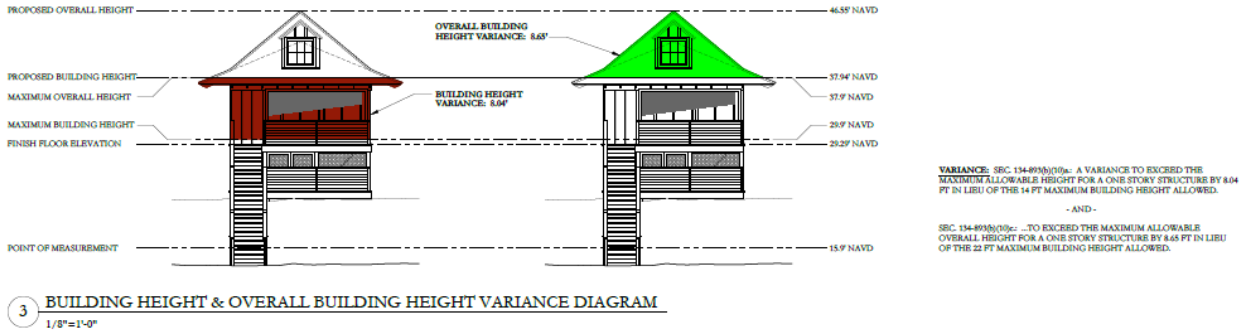
Below is a summary of the subject application with regards to Zoning Code compliance and variance requests.

The table below details the variance requests associated with the subject application.

Code Section	Required	Proposed
Section 134-1702	No structure of any nature that is to be constructed on land situated southward of Southern Boulevard (State Road No. 80) shall be constructed closer than 150 ft. from the designated ocean bulkhead line.	Variance 1: To allow a reduction in the ocean bulkhead line from 150 ft. to 22.9 ft. for a Lifeguard Station (- 127.1 ft.)

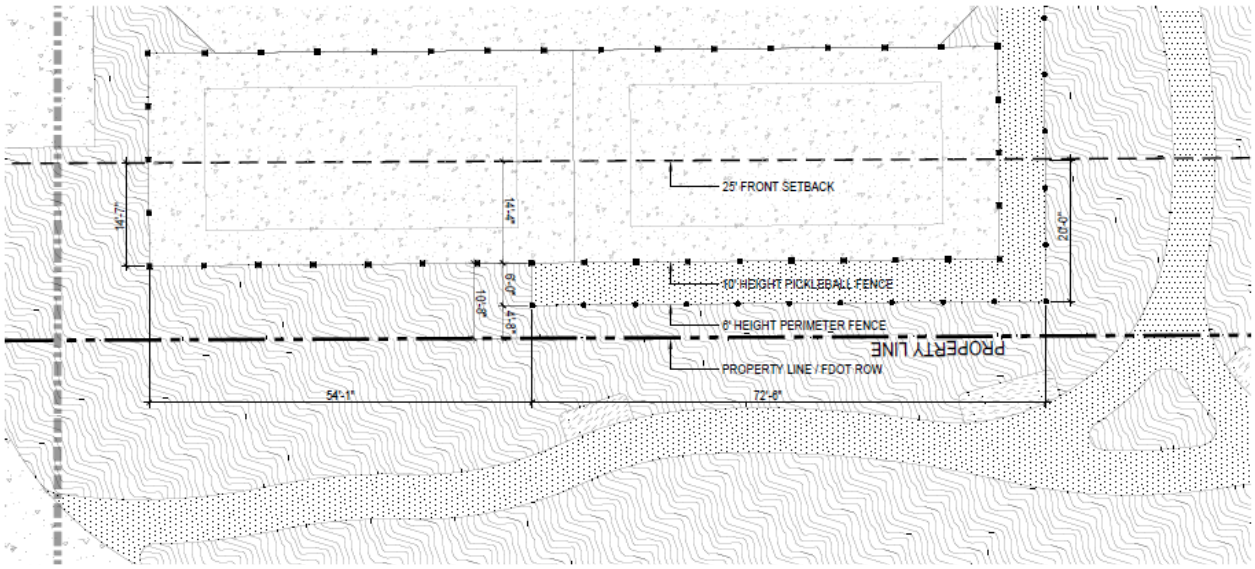


Section 134-893(b)(10)	Height and overall height for one-story buildings, the maximum building height is 14 ft.	Variance 2: To allow an increase in the building height from 14 ft. to 22.04 ft. (+ 8.04 ft.) and overall height from 22 ft. to 30.65 ft. (+ 8.65 ft.) for a Lifeguard Station.



3 BUILDING HEIGHT & OVERALL BUILDING HEIGHT VARIANCE DIAGRAM
1/8"=1'-0"

Section 134-1759(b)	Tennis courts or shuffleboard courts and similar accessory uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard.	Variance 3: A variance to permit a pickleball court within the required front yard with a 10.67 ft. setback, in lieu of the 25 ft. setback required; where tennis courts, shuffleboard courts and similar uses are prohibited. (- 14.33 ft.).
Section 134-1667(a)	All fences located in a front setback area shall not exceed six feet in height.	Variance 4: A variance to permit a fence in the required front yard to be 10 ft. in height, in lieu of the 6 ft. maximum height allowed, as required to enclose proposed pickle ball courts. (+ 4 ft.).



Pursuant to Chapter 54, Historical Preservation, it is the purpose and intent of the LPC to enforce as a matter of public policy, the protection, enhancement, and perpetuation of properties of special, notable, aesthetic, or architectural character or historic interest or value in the interest of health, prosperity, safety, and general welfare of the people residing within and around the Town. Chapter 54 applies to the Phipps Ocean Park application with regard to the renovation and relocation of the Landmarked Schoolhouse structure, which was approved on December 13, 2022. Additionally, the criteria specified in Code Section 54-122, which speaks to new construction. As proposed, the new construction under review includes the proposed Coastal Restoration Center (CRC), new bathrooms, and new beach pavilions. Below are the standards the LPC has been directed to take into consideration for application compliance.

Sec.-54-122

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:

    (1) The height, the gross volume, and the proportion between width and height of the facade;
    (2) The proportions and relationships between doors and windows;
    (3) The rhythm of solids to voids created by openings in the facade;
    (4) The materials used in the facade;
    (5) The texture inherent in the facade;
    (6) The colors, pattern and trim used in the facade; and
    (7) The design of the roof.

(b) Existing rhythm created by existing building masses and space between them should be preserved.

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

(d) A new street facade should blend directionally with other buildings with which it is visually related, which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

At the March 22, 2023, LPC public meeting, the Commission approved the overall design of the project (7-0) in accordance with the aforementioned criteria and recommended the approval of the proposed variances (7-0).

WRB/JGM/JHD

L E T T E R O F I N T E N T

R E - S U B M I T T A L

DATE: March 8, 2023

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: COA-22-037 (ZON-22-107) – R1 2185 S OCEAN BLVD

REQUEST

The Town of Palm Beach (**"Applicant"**), submits a request for Variances ("**VAR**") for the Phipps Ocean Park (**"Park"**) located at the intersection of S. Ocean Boulevard and Ibis Way (**"Site"**).



FIGURE 1 – Location map

Property Address:	2185 S. Ocean Blvd. ***(Figure 1)***
Parcel Control Number (PCN):	50434411030001201
Zoning:	R-B Low Density Residential District (**"R-B District"**)
Municipality:	Town of Palm Beach (**"Town"**)

REQUEST

- Variances as follows:

Code Section	Required	Proposed
Section 134-1702	No structure of any nature that is to be constructed on land situated southward of Southern Boulevard (State Road No. 80) shall be constructed closer than 150 ft. from the designated ocean bulkhead line.	Variance 1: To allow a reduction in the ocean bulkhead line from 150 ft. to 22.9 ft. for a Lifeguard Station (- 127.1 ft.)
Section 134-893(b)(10)	Height and overall height for one-story buildings, the maximum building height is 14 ft.	Variance 2: To allow an increase in the building height from 14 ft. to 22.04 ft. (+ 8.04 ft.) and overall height from 22 ft. to 30.65 ft. (+ 8.65 ft.) for a Lifeguard Station.
Section 134-1759(b)	Tennis courts or shuffleboard courts and similar accessory uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard.	Variance 3: A variance to permit a pickleball court within the required front yard with a 10.67 ft. setback, in lieu of the 25 ft. setback required; where tennis courts, shuffleboard courts and similar uses are prohibited. (- 14.33 ft.).
Section 134-1667(a)	All fences located in a front setback area shall not exceed six feet in height.	Variance 4: A variance to permit a fence in the required front yard to be 10 ft. in height, in lieu of the 6 ft. maximum height allowed, as required to enclose proposed pickle ball courts. (+ 4 ft.).

BACKGROUND

At the December 13, 2022 Town Council meeting, the Town Council ("**TC**") approved the Park's Master Plan with the exception of the design and placement of the proposed pickleball courts. At the February 14, 2023 TC meeting, the TC approved the design and placement of the pickleball courts along with design changes to the lifeguard station. The design and placement of the pickleball courts and the lifeguard station requires variances for building setbacks and building height. As such, the Town is required to process the variances needed to permit the design and placement of the pickleball courts and the lifeguard station as approved by TC on the Park's Master Plan.

SUPPLEMENTAL APPLICATION REQUIREMENTS

- As required, attached are the responses to the review standards/guidelines for VAR request:
  - **Exhibit A:** Sec. 134-201. Findings prior to authorization of a Variance.
- A Property Info sheet with the Location Map is attached as **Exhibit B.**
- The Legal Description is attached as **Exhibit C.**
- A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site attached as **Exhibit D**.

PARKING STATEMENT

Two parking lots are proposed on the Site located on the north and south ends of the Park. The parking lots will provide a total of 201 parking spaces.

EXHIBIT A

Sec. 134-201. Findings prior to authorization.

(a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

RESPONSE:

Bulkhead line variances 1: Chapter 62 of the Code requires a 50-foot setback to a designated bulkhead line. This bulkhead line was established in a historic 1932 map and are not easily scaled to match existing conditions since it has not been updated. As such, the request is to allow a reduction in the ocean bulkhead line for a lifeguard station as follows:

Variance 1: Lifeguard Station: reduce from 150 ft. to 22.9 ft. (- 127.1 ft.)

Note that several similar variances have been requested and approved by the Town and this variance request is not uncommon.

Height variance 2: To allow an increase in the building height and overall height for a lifeguard station as follows:

Variance 2: To allow an increase in the building height from 14 ft. to 22.04 ft. (+ 8.04 ft.) and overall height from 22 ft. to 30.65 ft. (+ 8.65 ft.) for a Lifeguard Station.

The proposed height and overall height of the lifeguard station is subservient in style and massing to the other structures on the Site. The lifeguard station is located so as to provide the lifeguard with the best view of the beach in order to provide the life safety duties as required. With varying elevations throughout the Site, the placement of this structure created the need for the variance.

Front yard setback variances 3-4: To permit a pickleball court and the required 10 ft. fence within the front yard setback.

Variances 3-4: A pickleball court that is not enclosed by a structure is not permitted within the front yard setbacks of the R-B zoning district. In addition, a pickleball court must include a fence or wall enclosure that is at least 10 ft. in height. At the February 14, 2023 TC meeting, the TC approved the location and design of the pickleball court as shown on the Park Master Plan. The TC's approved location is 10.67 ft. from the front yard setback in lieu of the 25-foot setback requirement. The TC approved the location after discussions at the TC meeting which included the public input. As such, the TC rendered a decision that the location was appropriate and considered a special condition and circumstance peculiar to the land.

(2) The special conditions and circumstances do not result from the actions of the applicant.

RESPONSE: *The special conditions and circumstances do not result from the actions of the Applicant.*

Bulkhead line variances 1: As indicted above, the bulkhead line setback was established in a 1932 map and which has not been updated creating the need for the variances. Moreover, this variance is not uncommon with several being granted by the Town in the past.
Height variance 2: As indicted above, the variance is a result of the varying Site elevations for the most suitable location of the lifeguard station for life/safety purposes.
Setback variances 3-4: As indicated above, the TC approved the location after discussions at the TC meeting which included the public input. As such, the TC rendered a decision that the location was appropriate after public input and as such, not a result of the actions of the applicant, but in the nest interest of the public.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

RESPONSE:
Variances 1-4: The granting of the variance requested will not confer on the Applicant any special privilege that is denied by the Code to other lands, buildings or structures in this same zoning district. In fact, these variances can be requested by any property owner affected by the applicable regulations.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

RESPONSE:
Variances 1-4: The literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant. As indicated above, the requested variances are not uncommon and routinely granted by the Town.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

RESPONSE:
Variances 1-4: The requested variances are the minimum variances that will make possible the reasonable use of the land. The Site is developed as a public park and the requested variances are reasonable to better serve the public.

(6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
   a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
   b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
      1. Be granted only for the continuation of the same hotel or residential use; and

2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

RESPONSE:

Variances 1-4: N/A

(7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

RESPONSE:

Variances 1-4: Granting of the variances will be in harmony with the general intent and purpose of the Code. Additionally, granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare; in fact, it will be a benefit to the public and provide a more enhanced experience to the patrons of the Park.

EXHIBIT B

P R O P E R T Y I N F O R M A T I O N

The approximately 20.6-acre site (**"Site"**) is located at the intersection of S. Ocean Boulevard and Ibis Way.

Property Address:	2185 S. Ocean Blvd. ***(Figure 1)***
Parcel Control Number (PCN):	50434411030001201
Zoning:	R-B Low Density Residential District (**"R-B District"**)
Municipality:	Town of Palm Beach (**"Town"**)

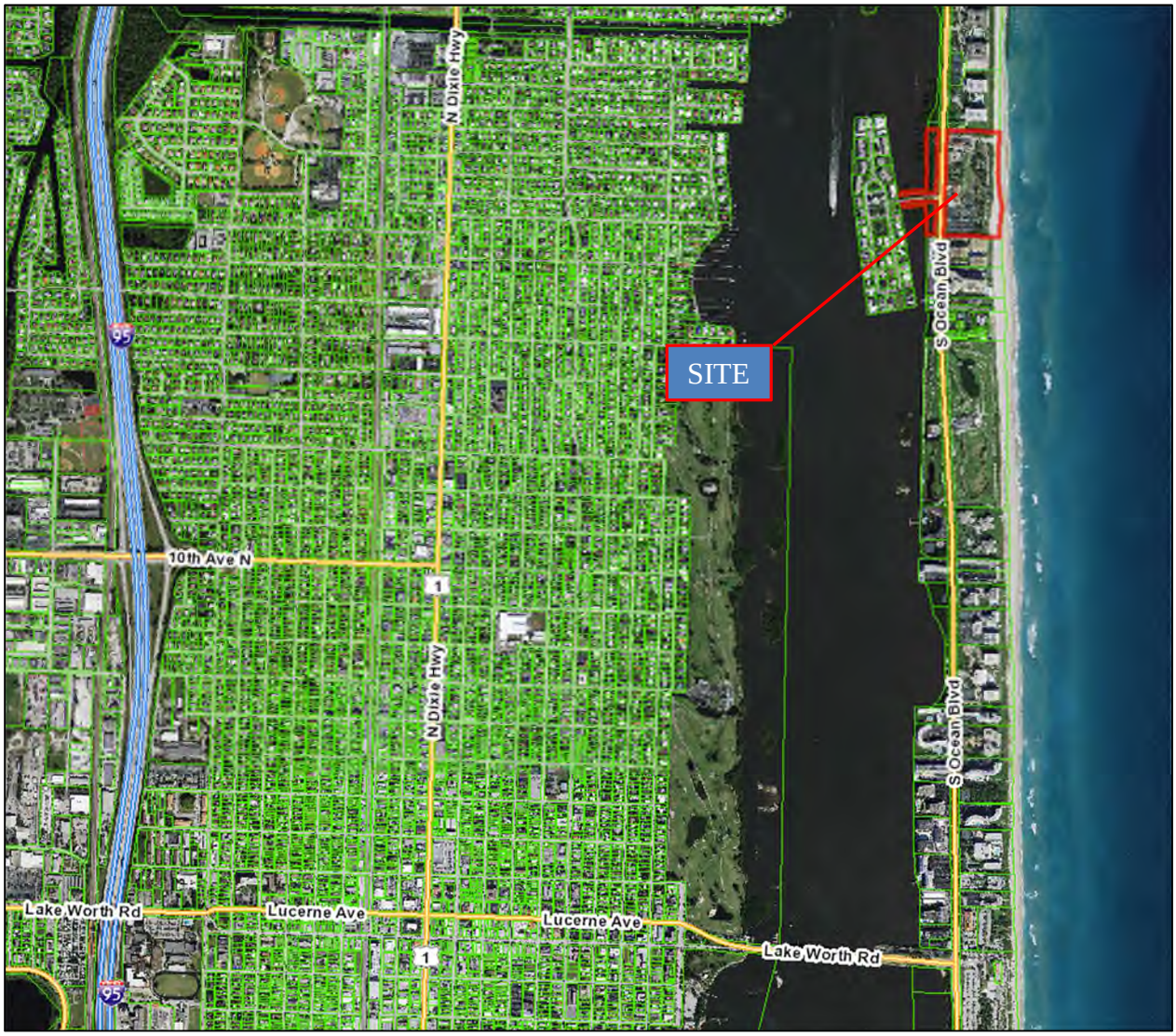


FIGURE 1 – Location map

EXHIBIT C

LEGAL DESCRIPTION

SOUTH 100' OF LOT 120 & LOTS 121 TO 125 INCLUSIVE & NORTH 100' OF LOT 126 PALM BEACH ESTATES (PLAT BOOK 8, PAGE 3)
LESS 100' WIDE RIGHT-OF-WAY FOR STATE ROAD A1A (ROAD PLAT BOOK 1, PAGE 92) LESS 100' WIDE RIGHT-OF-WAY FOR IBIS WAY (PLAT BOOK 24, PAGE 181)

TOGETHER WITH

TRACT 1: BEING THE WEST 200 FEET OF THAT PORTION OF THE NORTH HALF OF SAID LOT 120 LYING EAST OF STATE ROAD A1A AS SHOWN IN ROAD PLAT BOOK 1, PAGE 92, PALM BEACH COUNTY PUBLIC RECORDS;
AND
TRACT 2: BEING THAT PORTION OF THE NORTH HALF OF SAID LOT 120 LYING WEST OF STATE ROAD A1A AS SHOWN IN ROAD PLAT BOOK 1, PAGE 92, PALM BEACH COUNTY PUBLIC RECORDS;

AREA=20.189 ACRES

EXHIBIT D

SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

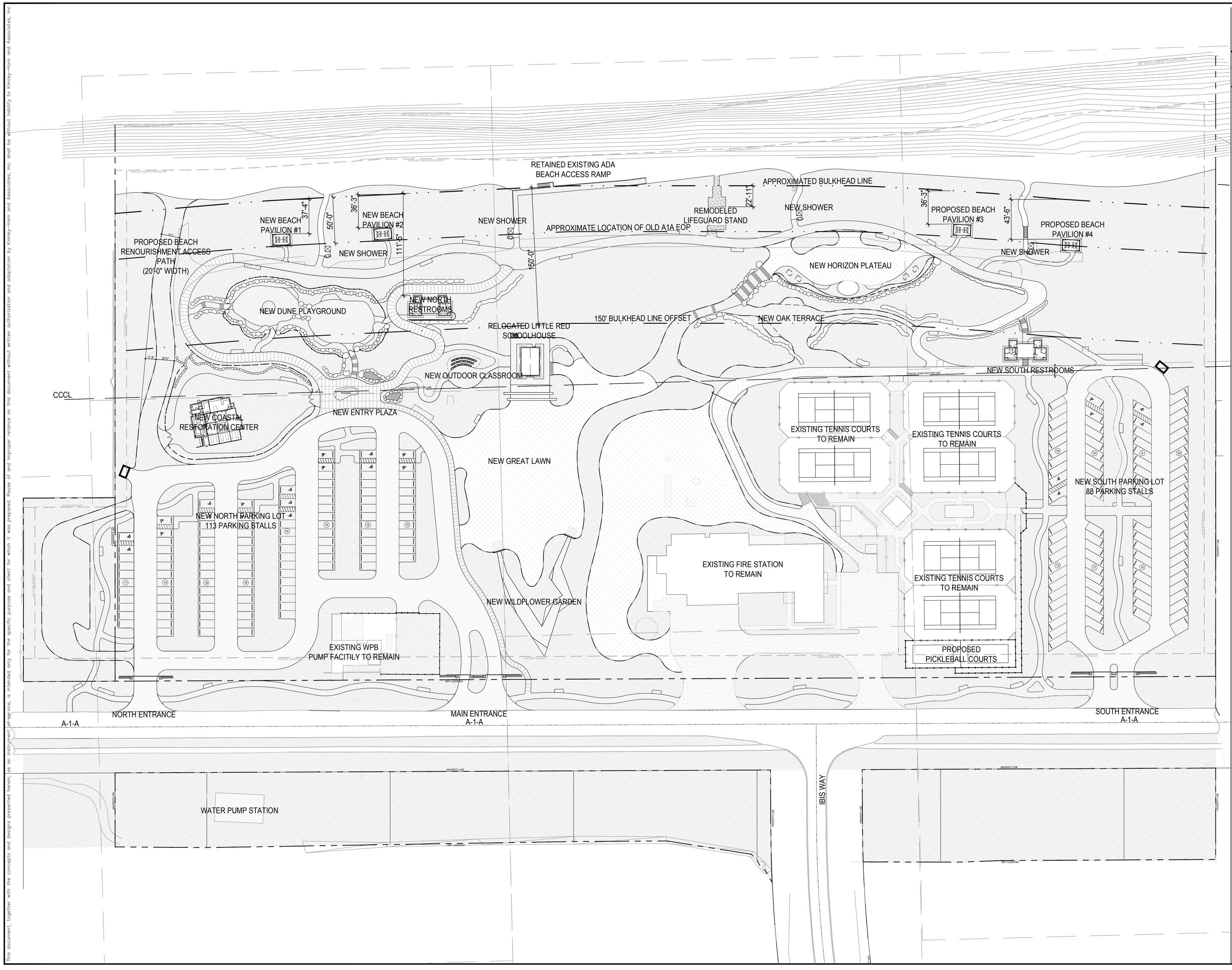
APPLICATION NO.	REQUEST
Unknown No. 1976-77	Rezoning from PUD-B to the R-B zoning district, variance to allow a Fire Station in the R-B zoning district, and add Municipally-owned Police and Fire Stations, Municipal Administrative Offices, and Municipally-owned and operated docks, parking lots, and nurseries, to the list of Permitted Uses in the R-B zoning district.
Variance No. 24-74	Construct a replacement Fire Station.
Variance No. 3-83	Variance authorizing the construction of the underground Booster Pump Station.
Special Exception with Site Plan Review No. 21-93	Construct a new public structure known as the South Fire-Rescue Station
Special Exception with Site Plan Review No. 18-2001	Construct four tennis courts and a tennis control building
Special Exception No. Z-17-00053	Replace an existing restroom with a pre-fabricated building to match the restroom buildings.
Certificate of Appropriateness No. COA-22-037 and Special Exception No. ZON-22-107	Modifications to the existing park for the redevelopment of the parking lot, pedestrian ways, sports courts, restroom facilities, beach pavilions, and educational facility, and the relocation of the existing Little Red Schoolhouse, including variances to exceed the maximum building height and the ocean bulkhead line setback.

RECEIVED
By yfigueroa at 8:21 am, Feb 22, 2023

04-03-2023 TOM Backup

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Christopher Barnes S:\PROJECTS\20050_Phipps Ocean Park Master Plan\20 DESIGN\24 WORKING\CAD\Sheets\20050_00_SP_100_Site Plan.dwg
2023/02/16



LEGEND

PROPERTY LINE

SETBACK

COASTAL CONSTRUCTION CONTROL LINE

0 25 50 100

SCALE: 1:50

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jungles
RAYMOND JUNGLES, INC.
2964 AVIATION AVENUE
MIAMI, FL 33133
PHONE: (305) 858-6777

COA: 22-037
ZON: 22-107

No.	REVISIONS	DATE

STATE OF FLORIDA
RAYMOND JUNGLES
REGISTERED LANDSCAPE ARCHITECT

PROJECT No.

DATE 01/06/2023

SCALE AS SHOWN

DESIGNED BY

DRAWN BY

CHECKED BY

SITE PLAN

SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

PHIPPS OCEAN PARK

PREPARED FOR

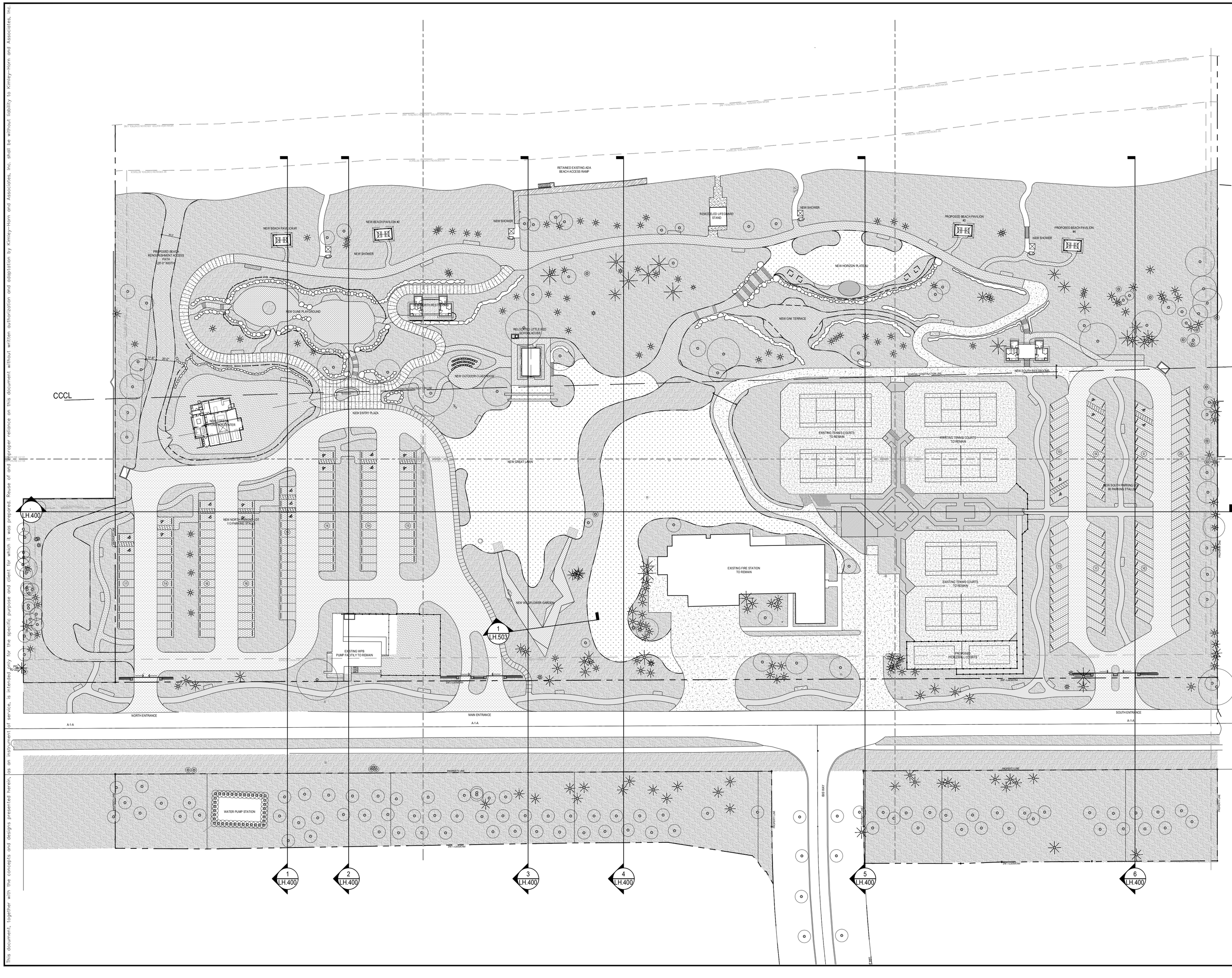
TOWN OF PALM BEACH

SHEET NUMBER
GI.000

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04-03-2023 TOM Bishop

2023.02.16 Christopher Barnes S:\PROJECTS\20050_Phipps Ocean Park Master Plan\20 DESIGN\24 WORKING\CAD\Sheets\20050_03_LH.100_Hardscape Plan.dwg



LEGEND

- PROPERTY LINE
- SETBACK
- COASTAL CONSTRUCTION CONTROL LINE
- PLANTING AREA
- TURF
- GRASSPAVE
- GRAVELPAVE
- DECORATIVE PEDESTRIAN CONCRETE
- DECORATIVE VEHICULAR CONCRETE
- STANDARD VEHICULAR CONCRETE
- CORAL STONE PAVING
- STABILIZED GRAVEL PAVING
- PLAYGROUND SURFACE
- WOOD DECKING
- GRASSPAVE SECONDARY
- BOULDER RETAINING WALLS

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR CALCULATING / VERIFYING ALL QUANTITIES.
2. GENERAL CONTRACTOR SHALL SUBMIT, OBTAIN AND KEEP RECORDS OF ALL PERMITTING REQUIRED BY LOCAL CODES.
3. PRIOR TO ANY CONSTRUCTION, CONTRACTOR SHALL LOCATE ALL UTILITIES USING "SUNSHINE 811". UTILITIES SHALL BE PROTECTED THROUGHOUT CONSTRUCTION.
4. ALL MATERIALS ARE TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PROCUREMENT.
5. ALL ELEMENTS SHALL BE MOCKED-UP FOR CLIENT AND LANDSCAPE ARCHITECT'S REVIEW AND APPROVAL. CONTRACTOR TO REWORK MOCK-UP AS NECESSARY FOR APPROVAL. MAINTAIN APPROVED MOCK-UP FOR COMPARISON OF FINISHED WORK.
6. ALL MATERIALS AND ELEMENTS LOCATION / LAYOUT SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. LANDSCAPE ARCHITECT SHALL BE PROVIDED 3 WEEKS NOTIFICATION IN ADVANCE OF LAYOUT WORK, TO APPROVE ON-SITE FORM WORK, PRIOR TO FABRICATION.
7. REFER TO LF SERIES FOR ALL FURNISHINGS.

0 25 50 100 N
SCALE: 1:50

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COA: 22-037
ZON: 22-107

No.	REVISIONS	DATE

STATE OF FLORIDA · RAYMOND JUNGLES · REGISTERED LANDSCAPE ARCHITECT

PROJECT No.	
DATE	01/06/2023
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HARDSCAPE PLAN

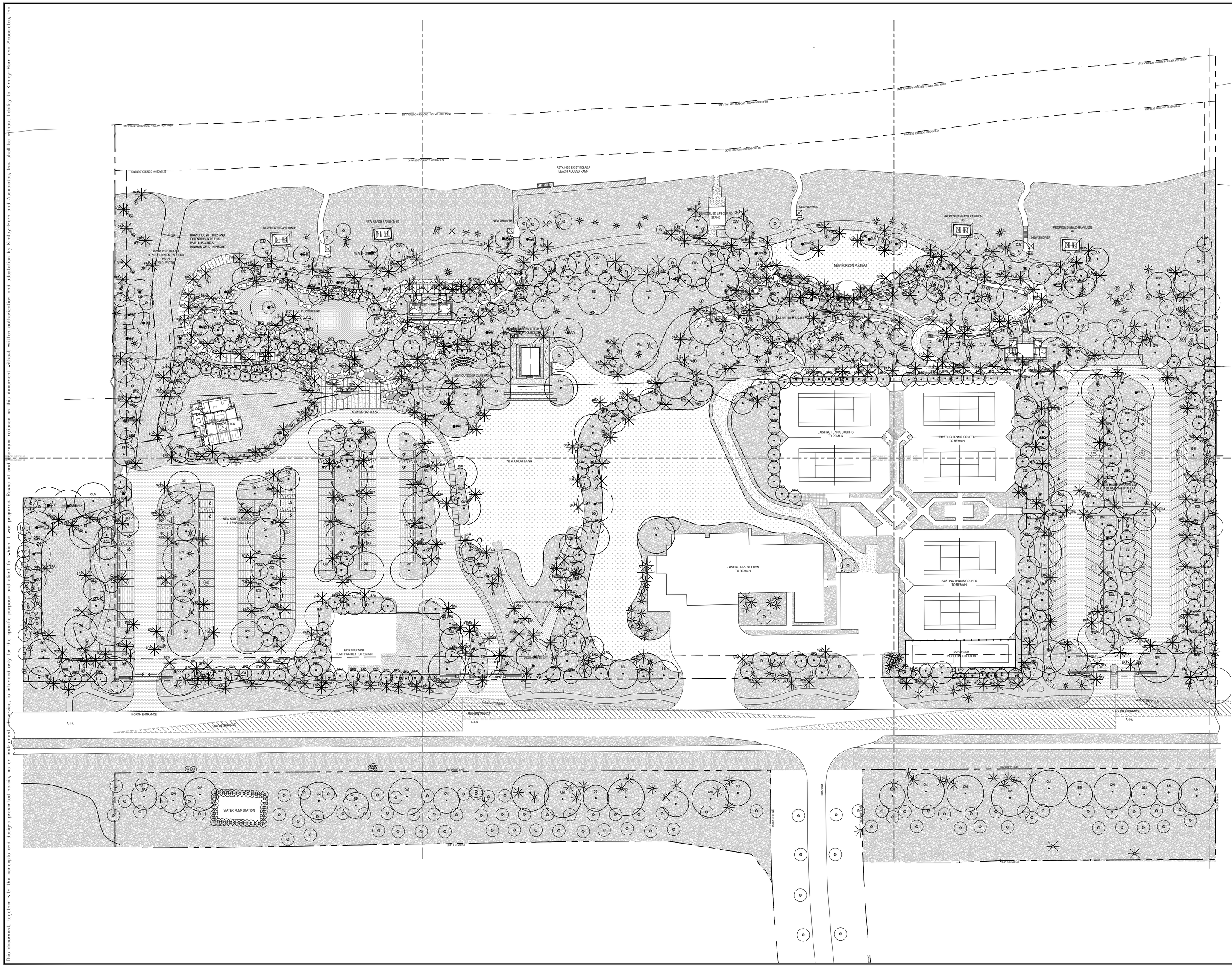
SEAL OF THE TOWN OF PALM BEACH FLORIDA · INCORPORATED · APRIL 17, 1911

PHIPPS OCEAN PARK

PREPARED FOR
TOWN OF PALM BEACH

SHEET NUMBER
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COA: 22-037
ZON: 22-107

No.	REVISIONS	DATE

STATE OF FLORIDA · RAYMOND JUNGLES · REGISTERED LANDSCAPE ARCHITECT

PROJECT No.

DATE 01/06/2023

SCALE AS SHOWN

DESIGNED BY

DRAWN BY

CHECKED BY

CANOPY PLAN

SEAL OF THE TOWN OF PALM BEACH FLORIDA · INCORPORATED · APRIL 17, 1911

PHIPPS OCEAN PARK
PREPARED FOR
TOWN OF PALM BEACH

SHEET NUMBER
LP.100

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CANOPY

QTY	SYM	Botanical Name	Common Name	Specifications
54	BSI	Bursera simaruba	Gumbo Limbo	16' HT. x 8' SPR.; 4" D.B.H.
38	CDI	Coccoloba diversifolia	Pigeon Plum*	12'-14' ht. x 6'-8' spr., full
32	COL	Chrysophyllum oliviforme	Satinleaf	6'-8' ht. x 4' spr.
60	CUV	Coccoloba uvifera	Seagrape*	7 gal.
139	EFO	Eugenia foetida	Spanish Stopper*	25 gal., 10'-12' ht. x 4' spr.
2	FAU	Ficus aurea	Strangler Fig*	20'-24' ht. x 12'-16' spr., B & B
7	GDI	Guapira discolor	Blolly	20'-25' ht. x 16' spr.
46	PBO	Persea borbonia	Redbay	12'-14' ht. x 6'-8' spr.
37	QVI	Quercus virginiana	Live Oak*	20'-25' ht. x 16' spr.
36	SFO	Sideroxylon foetidissimum	Mastic	12'-14' ht. x 6'-8' spr.
35	SGL	Simarouba glauca	Paradise Tree	12'-14' ht. x 6'-8' spr.
1	SSA	Sideroxylon salicifolium	Willow Bustic*	12'-14' ht. x 6'-8' spr.
1	CNC	Collected Native Character Canopy	Species TBD	35'-40' ht.

PALMS

QTY	SYM	Botanical Name	Common Name	Specifications
243	SPA	Sabal palmetto	Sabal Palm	25' - 35' HT. OA. Character, Curved Trunks
156	SPA	Sabal palmetto	Sabal Palm	Relocated from On-site.Final Location TBD.

CONCEPT PLANT SCHEDULE

DUNE - PIONEER OPEN SAND

Ipomoea imperati / Beach Morning Glory	10%
Iva imbricata / Seaside Elder	25%
Paspalum vaginatum TM / Platinum TE Paspalum	5%
Sesuvium portulacastrum / Shoreline Seapurslane	25%
Sporobolus virginicus / Seashore Dropseed	10%
Uniola paniculata / Sea Oats	25%

DUNE - FACE

Alternanthera flavescens / Yellow Joyweed	2.5%
Alternanthera maritima / Seaside Joyweed	2.5%
Ambrosia hispida / Coastal Ragweed	5%
Euphorbia mesembryanthemifolia / Coastal Beach Sandmat	2.5%
Helianthus debilis debilis / Prostrate Cucumberleaf Sunflower	5%
Hymenocallis latifolia / Spider Lily	5%
Opuntia humifusa / Prickly Pear	2.5%
Scaevola plumieri / Inkberry	5%
Spartina patens / Saltmeadow Cordgrass	5%
Sporobolus virginicus / Seashore Dropseed	10%
Tournefortia gnaphalodes / Sea Lavender	5%
Uniola paniculata / Sea Oats	50%

COASTAL STRAND - PRICKLY ZONE

Agave decipiens / False Sisal	5%
Alternanthera flavescens / Yellow Joyweed	2.5%
Alternanthera maritima / Seaside Joyweed	2.5%
Caesalpinia bonduc / American Bluehearts	5%
Chrysobalanus icaco / Coco-plum	2.5%
Coccoloba uvifera / Sea Grape	5%
Erythrina herbacea / Coralbean	2.5%
Opuntia humifusa / Prickly Pear	2.5%
Opuntia stricta / Pricklypear	25%
Serenoa repens / Saw Palmetto	15%
Sideroxylon tenax / Tough Buckthorn	2.5%
Suriana maritima / Bay Cedar	5%
Tournefortia gnaphalodes / Sea Lavender	10%
Yucca aloifolia / Aloe Yucca	15%

COASTAL STRAND - WINDBREAK

Agave decipiens / False Sisal	2.5%
Ardisia escallonioides / Marlberry	2.5%
Baccharis halimifolia / Groundsel Bush	1.25%
Chiococca alba / Snowberry	1.25%
Chrysobalanus icaco / Coco-plum	5%
Citharexylum spinosum / Spiny Fiddlewood	1.25%
Coccoloba uvifera / Sea Grape	2.5%
Coccothrinax argentata / Florida Silver Palm	1.25%
Cyperus planifolius / Flatleaf Flatsedge	1.25%
Dodonaea viscosa / Hopseed Bush	1.25%
Dodonaea viscosa angustifolia / Hopseed Bush	1.25%
Echites umbellatus / Devil's Potato	1.25%
Erithalis fruticosa / Black Torch	1.25%
Erythrina herbacea / Coralbean	1.25%
Eugenia foetida / Spanish Stopper	2.5%
Forestiera segregata / Florida Privet	1.25%
Guapira discolor / Beeftree	2.5%
Helianthus debilis debilis / Prostrate Cucumberleaf Sunflower	2.5%
Hymenocallis latifolia / Spider Lily	1.25%
Ipomoea violacea / Beach Moonflower	1.25%
Iva imbricata / Seaside Elder	2.5%
Lantana involucrata / Buttonsage	1.25%
Lantana sandersii / Buttonsage	1.25%
Morinda royoc / Morinda	1.25%
Myrsine cubana / Guianese Coliciwood	2.5%
Opuntia stricta / Pricklypear	2.5%
Passiflora suberosa / Corky-stem Passion Vine	1.25%
Pentalinon luteum / Yellow Mandevilla	1.25%
Pithecellobium keyense / Florida Keys Blackbead	2.5%
Randia aculeata / White Indigo Berry	2.5%
Remirea maritima / Beachstar	1.25%
Scaevola plumieri / Inkberry	2.5%
Serenoa repens / Saw Palmetto	20%
Sideroxylon tenax / Tough Buckthorn	1.25%
Solanum bahamense / Bahama Nightshade	1.25%
Sophora tomentosa truncata / Yellow Necklacepod	2.5%
Suriana maritima / Bay Cedar	5%
Tournefortia gnaphalodes / Sea Lavender	5%
Uniola paniculata / Sea Oats	2.5%
Yucca aloifolia / Aloe Yucca	2.5%

COASTAL STRAND - OPEN COS

Alternanthera flavescens / Yellow Joyweed	1.25%
Alternanthera maritima / Seaside Joyweed	1.25%
Andropogon glomeratus pumilus / Common Bushy Bluestem	1.25%
Buchnera americana / Bluehearts	1.25%
Centrosema virginianum / Spurred Butterfly Pea	1.25%
Chamaecrista fasciculata / Partridge Pea	2.5%
Cirsium horridulum / Purple Thistle	1.25%
Cnidoscolus stimulosus / Tread-softly	1.25%
Coccothrinax argentata / Florida Silver Palm	1.25%
Commelina erecta / White-mouth Dayflower	2.5%
Crotalaria pumila / Low Rattlebox	2.5%
Croton glandulosus floridanus / Vente Conmigo	1.25%
Croton linearis / Pineland Croton	1.25%
Dale floridana / Flatleaf flatsedge	2.5%
Eragrostis elliottii / Elliot's Love Grass	5%
Ernodea littoralis / Golden Creeper	10%
Eustachys petraea / Pinewoods fingergrass	2.5%
Flaveria linearis / Narrowleaf Yellowtops	5%
Galactia volubilis / Downy Milkpea	2.5%
Glandularia maritima / Coastal Mock Vervain	2.5%
Heliotropium polyphyllum / Pineland Heliotrope	1.25%
Heterotheca subaxillaris / Camphorweed	1.25%
Jacquemontia reclinata / Beach Clustervine	2.5%
Lantana sandersii / Buttonsage	1.25%
Licania michauxii / Gopher Apple	2.5%
Muhlenbergia capillaris / Pink Muhly Grass	5%
Neptunia pubescens / Tropical-puff	2.5%
Oenothera humifusa / Dunes Evening Primrose	1.25%
Opuntia humifusa / Prickly Pear	1.25%
Pectis glaucescens / Sanddune cinchweed	1.25%
Physalis walteri / Walter's Groundcherry	1.25%
Piriqueta cistoides caroliniana / Pitted Stripeseed	2.5%
Schizachyrium sanguineum / Crimson Bluestem	5%
Serenoa repens / Saw Palmetto	15%
Solidago sempervirens / Seaside Goldenrod	2.5%
Tephrosia curtissii / Curtiss' Hoarypea	1.25%
Trichostema dichotomum / Forked Bluecurls	2.5%

MARITIME HAMMOCK

Ardisia escallonioides / Marlberry	15%
Callicarpa americana / American Beautyberry	2.5%
Capsicum annuum glabriusculum / Bird Pepper	1.25%
Chiococca alba / Snowberry	2.5%
Chrysobalanus icaco / Coco-plum	2.5%
Dichanthelium commutatum / Variable Witchgrass	10%
Eugenia axillaris / White Stopper	15%
Habenaria floribunda / Toothpetal False Rein Orchid	2.5%
Lasiacis divaricata / Wild Bamboo	10%
Psilotum nudum / Moa	2.5%
Psychotria nervosa / Wild Coffee	20%
Psychotria tenuifolia / Shortleaf Wild Coffee	5%
Rivina humilis / Pigeonberry	2.5%
Schoepfia schreberi / Graytwig	2.5%
Thelypteris kunthii / Southern Shield Fern	5%
Vittaria lineata / Shoestring Fern	1.25%

GRASS

Stenotaphrum secundatum / St. Augustine Grass	

MARITIME HAMMOCK - EDGE

Acanthocereus tetragonus / Triangle Cactus	2.5%
Agave decipiens / False Sisal	2.5%
Amyris elemifera / Common Torchwood	1.25%
Ardisia escallonioides / Marlberry	2.5%
Baccharis glomeruliflora / Silverling	1.25%
Baccharis halimifolia / Groundsel Bush	1.25%
Callicarpa americana / American Beautyberry	2.5%
Chiococca alba / Snowberry	1.25%
Chiococca parvifolia / Small-leaved Snowberry	1.25%
Chrysobalanus icaco / Coco-plum	1.25%
Coccoloba uvifera / Sea Grape	2.5%
Coccoloba x hybrida / Sea Plum	2.5%
Cynophalla flexuosa / Limber Caper	2.5%
Dicliptera sexangularis / Sixangle Foldwing	1.25%
Encyclia tampensis / Florida Butterfly Orchid	1.25%
Erythrina herbacea / Coralbean	1.25%
Eugenia axillaris / White Stopper	2.5%
Eugenia foetida / Spanish Stopper	2.5%
Forestiera segregata / Florida Privet	2.5%
Galium bermudense / Coastal Bedstraw	1.25%
Guapira discolor / Beeftree	2.5%
Guettarda scabra / Rough Velvetseed	2.5%
Hamelia patens 'Patens' / Firebush	2.5%
Heliotropium angiospermum / Scorpion's Tail	1.25%
Iresine diffusa / Bloodleaf	1.25%
Lantana involucrata / Buttonsage	2.5%
Lasiacis divaricata / Wild Bamboo	1.25%
Melothria pendula / Creeping Cucumber	1.25%
Metopium toxiferum / Florida Poisontree	1.25%
Myrica cerifera / Wax Myrtle	1.25%
Myrsine cubana / Guianese Coliciwood	2.5%
Passiflora suberosa / Corky-stem Passion Vine	1.25%
Persea borbonia / Redbay	1.25%
Phlebodium aureum / Rabbit's Foot Fern	1.25%
Pithecellobium keyense / Florida Keys Blackbead	2.5%
Psychotria nervosa / Wild Coffee	2.5%
Quadrella cynophallophora / Jamaican Caper	5%
Randia aculeata / White Indigo Berry	2.5%
Rivina humilis / Pigeonberry	1.25%
Sabal palmetto / Sabal Palm	2.5%
Solanum bahamense / Bahama Nightshade	2.5%
Tillandsia balbisiana / Reflexed Wild-pine	1.25%
Tillandsia fasciculata densispica / Cardinal Airplant	1.25%
Tillandsia flexuosa / Twisted Airplant	1.25%
Tillandsia paucifolia / Potbelly Airplant	1.25%
Tillandsia recurvata / Small Ball Moss	1.25%
Tillandsia setacea / Southern Needleleaf	1.25%
Tillandsia usneoides / Spanish Moss	1.25%
Tillandsia utriculata / Spreading Airplant	1.25%
Trema micrantha / Jamaican Nettle Tree	2.5%
Vitis cinerea floridana / Florida Grape	1.25%
Vitis rotundifolia / Muscadine Grape	1.25%
Vitis shuttleworthii / Calusa Grape	1.25%
Zanthoxylum fagara / Wild Lime	2.5%

WILDFLOWER GARDEN

Acrostichum danaeifolium / Leather Fern	2%
Agave decipiens / False Sisal	2%
Aristida purpurascens / Arrowfeather Threeawn	1%
Bacopa monnieri / Herb of Grace	5%
Blechnum serrulatum / Swamp Fern	2%
Boehmeria cylindrica / False Nettle	2%
Buchnera americana / Bluehearts	5%
Centrosema virginianum / Spurred Butterfly Pea	2%
Chamaecrista fasciculata / Partridge Pea	1%
Cirsium horridulum / Purple Thistle	2%
Cyperus odoratus / Fragrant Flatsedge	2%
Eleocharis geniculata / Canada Spikesedge	1%
Eragrostis elliottii / Elliot's Love Grass	5%
Erigeron quercifolius / Oakleaf fleabane	5%
Eustoma exaltatum / Catchfly Prarie Gentian	5%
Fimbristylis spadicea / Marsh Fimbry	5%
Flaveria linearis / Narrowleaf Yellowtops	5%
Kosteletzkya pentacarpos / Saltmarsh Mallow	5%
Phyla nodiflora / Lippia	5%
Pluchea baccharis / Rosy Camphorweed	5%
Pluchea odorata / Saltmarsh Fleabane	5%
Sabatia stellaris / Rose-of-Plymouth	5%
Schizachyrium sanguineum / Crimson Bluestem	1%
Sisyrinchium angustifolium / Narrowleaf Blue-eyed Grass	5%
Solidago sempervirens / Seaside Goldenrod	5%
Solidago stricta / Slender Goldenrod	5%
Stachytarpheta jamaicensis / Blue Porterweed	2%

MARITIME HAMMOCK - BUFFER

Ardisia escallonioides / Marlberry	15%
Baccharis glomeruliflora / Silverling	15%
Callicarpa americana / American Beautyberry	10%
Chiococca alba / Snowberry	10%
Chrysobalanus icaco / Coco-plum	10%
Eugenia confusa / Redberry Stopper	7.5%
Eugenia foetida / Spanish Stopper	7.5%
Exothea paniculata / Inkwood	5%
Forestiera segregata / Florida Privet	5%
Krugiodendron ferreum / Black Ironwood	5%
Solanum bahamense / Bahama Nightshade	10%

INTERDUNAL SWALE

Cyperus odoratus / Fragrant Flatsedge	20%
Mikania scandens / Climbing Hempweed	20%
Muhlenbergia capillaris / Pink Muhly Grass	20%
Sisyrinchium angustifolium / Narrowleaf Blue-eyed Grass	20%
Solidago sempervirens / Seaside Goldenrod	20%

GRASS - STABILIZED

Arachis glabrata / Perennial Peanut	50%
Mimosa strigillosa / Sunshine Mimosa	25%
Oplismenus hirtellus / Basket Grass	25%

RAINGARDENS

Cladium jamaicense / Uki Grass	15%
Eleocharis cellulosa / Gulf Coast Spikerush	10%
Erigeron quercifolius / Oakleaf fleabane	10%
Eustoma exaltatum / Catchfly Prarie Gentian	5%
Krugiodendron ferreum / Black Ironwood	10%
Pluchea odorata / Saltmarsh Fleabane	10%
Spartina bakeri / Sand Cordgrass	20%
Tripsacum dactyloides / Fakahatchee Grass	20%

MARITIME HAMMOCK - WEST

Baccharis halimifolia / Groundsel Bush	15%
Chrysobalanus icaco / Coco-plum	15%
Forestiera segregata / Florida Privet	10%
Lasiacis divaricata / Wild Bamboo	15%
Myrica cerifera / Wax Myrtle	15%
Persea borbonia / Redbay	5%
Psychotria tenuifolia / Shortleaf Wild Coffee	10%
Simarouba glauca / Paradise Tree	5%
Solanum bahamense / Bahama Nightshade	10%

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COA: 22-037
ZON: 22-107

No.	REVISIONS	DATE

STATE OF FLORIDA — RAYMOND JUNGLES — REGISTERED LANDSCAPE ARCHITECT

PROJECT No.

DATE 01/06/2023

SCALE AS SHOWN

DESIGNED BY

DRAWN BY

CHECKED BY

PLANTING SCHEDULE

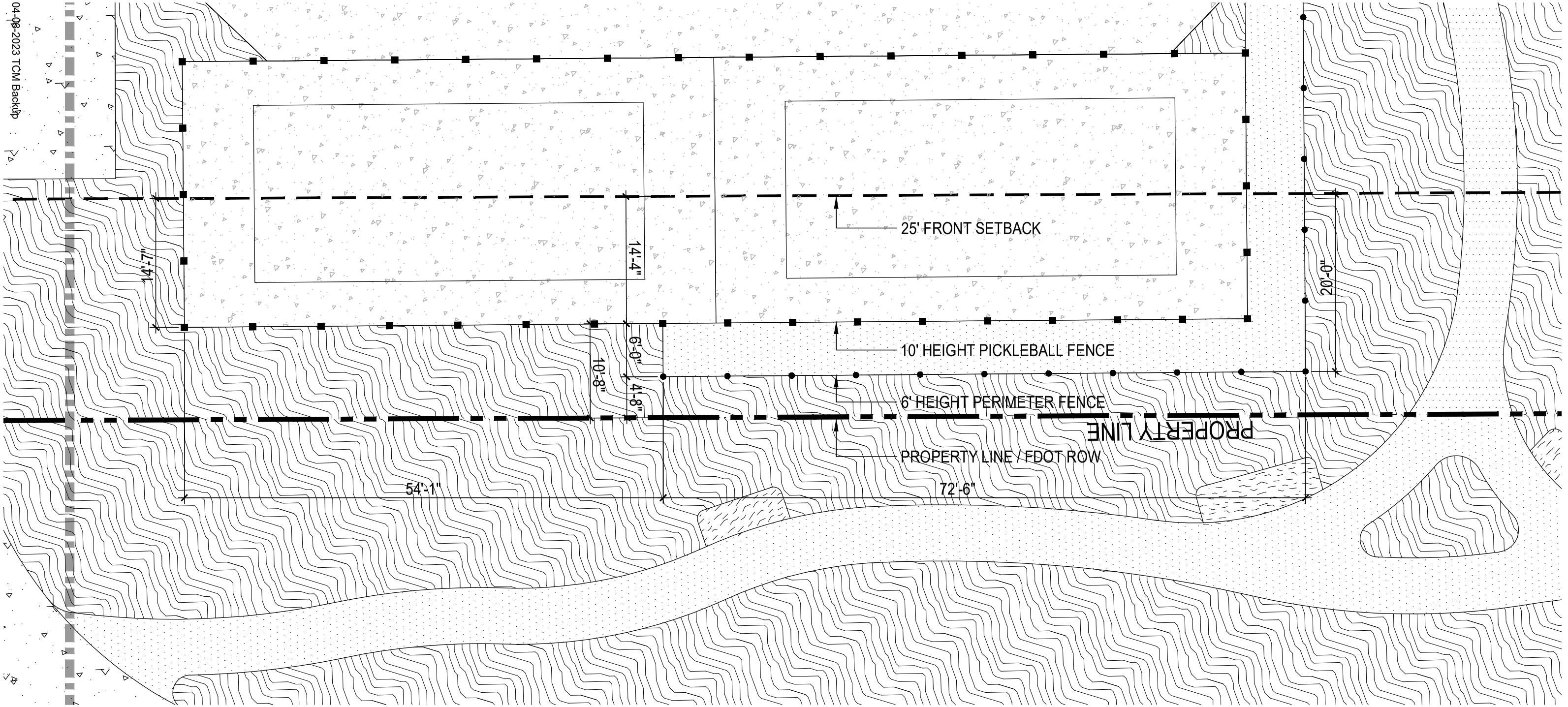
SEAL OF THE TOWN OF PALM BEACH FLORIDA — INCORPORATED APRIL 17, 1911

PHIPPS OCEAN PARK
PREPARED FOR
TOWN OF PALM BEACH

SHEET NUMBER
LP.300

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04-03-2023 TCM Backup
Christopher Barnes S:\PROJECTS\20050_Phipps Ocean Park Master Plan\20 DESIGN\24 WORKING\CAD\Sheets\20050_01_LP.200_Understory Plan.dwg
2023/02/16

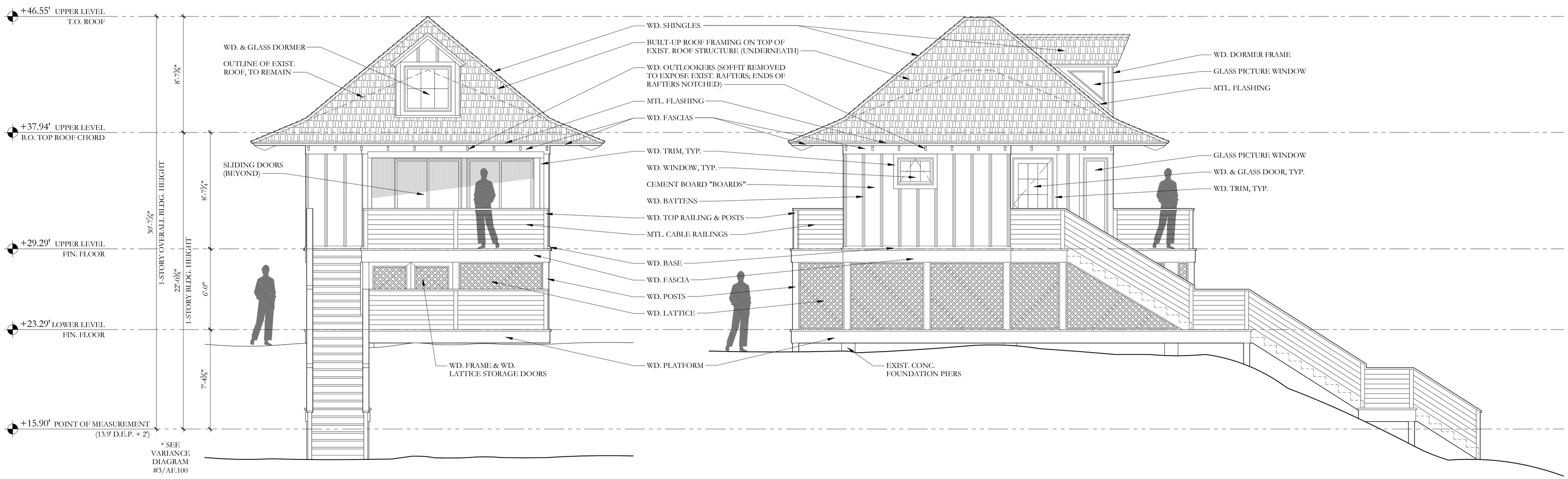


jungles

PHIPPS OCEAN PARK
Pickleball Court Variance
Scale: 3/32" = 1'-0"

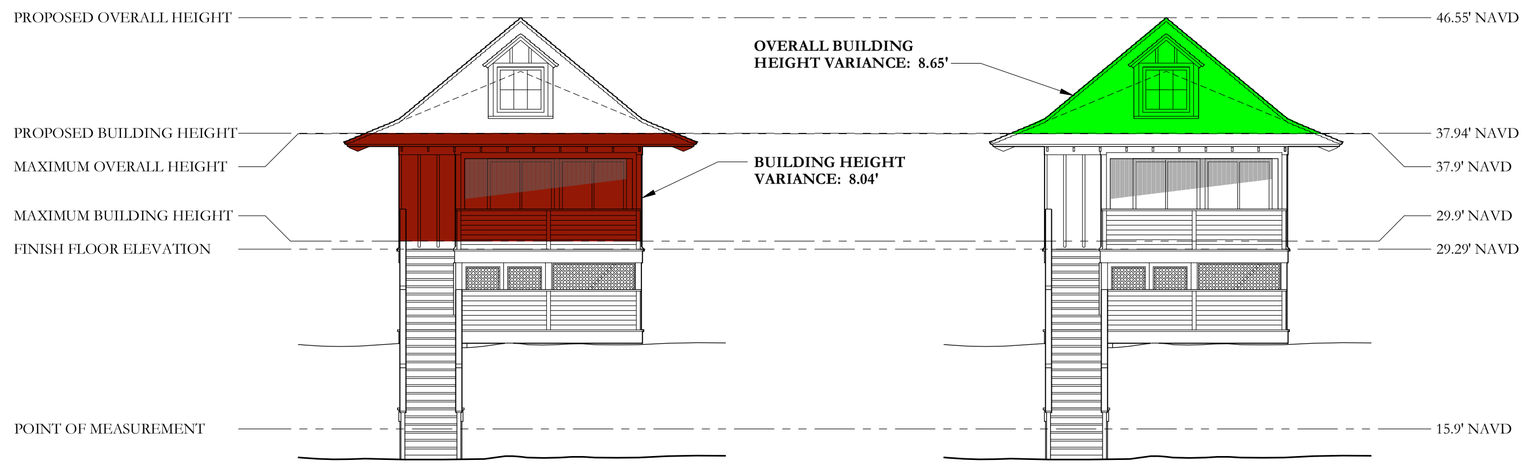
04-03-2023 TOM Backup

NOTE: ELEVATIONS REFERENCED TO NAVD SURVEY ELEVATIONS



1 PROPOSED EAST ELEVATION
1/4"=1'-0"

2 PROPOSED SOUTH ELEVATION
1/4"=1'-0"



3 BUILDING HEIGHT & OVERALL BUILDING HEIGHT VARIANCE DIAGRAM
1/8"=1'-0"

VARIANCE: SEC. 134-893(b)(10)a.: A VARIANCE TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT FOR A ONE STORY STRUCTURE BY 8.04 FT IN LIEU OF THE 14 FT MAXIMUM BUILDING HEIGHT ALLOWED.

- AND -

SEC. 134-893(b)(10)c: ...TO EXCEED THE MAXIMUM ALLOWABLE OVERALL HEIGHT FOR A ONE STORY STRUCTURE BY 8.65 FT IN LIEU OF THE 22 FT MAXIMUM BUILDING HEIGHT ALLOWED.

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COA: 22-037
ZON: 22-107

No.	REVISIONS	DATE

STATE OF FLORIDA
RICHARD F. SAMMONS
AR0016906
REGISTERED ARCHITECT

PROJECT No.

DATE 02/17/2023

SCALE AS SHOWN

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CHECKED BY

LIFEGUARD STATION
PROPOSED ELEVATIONS

SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

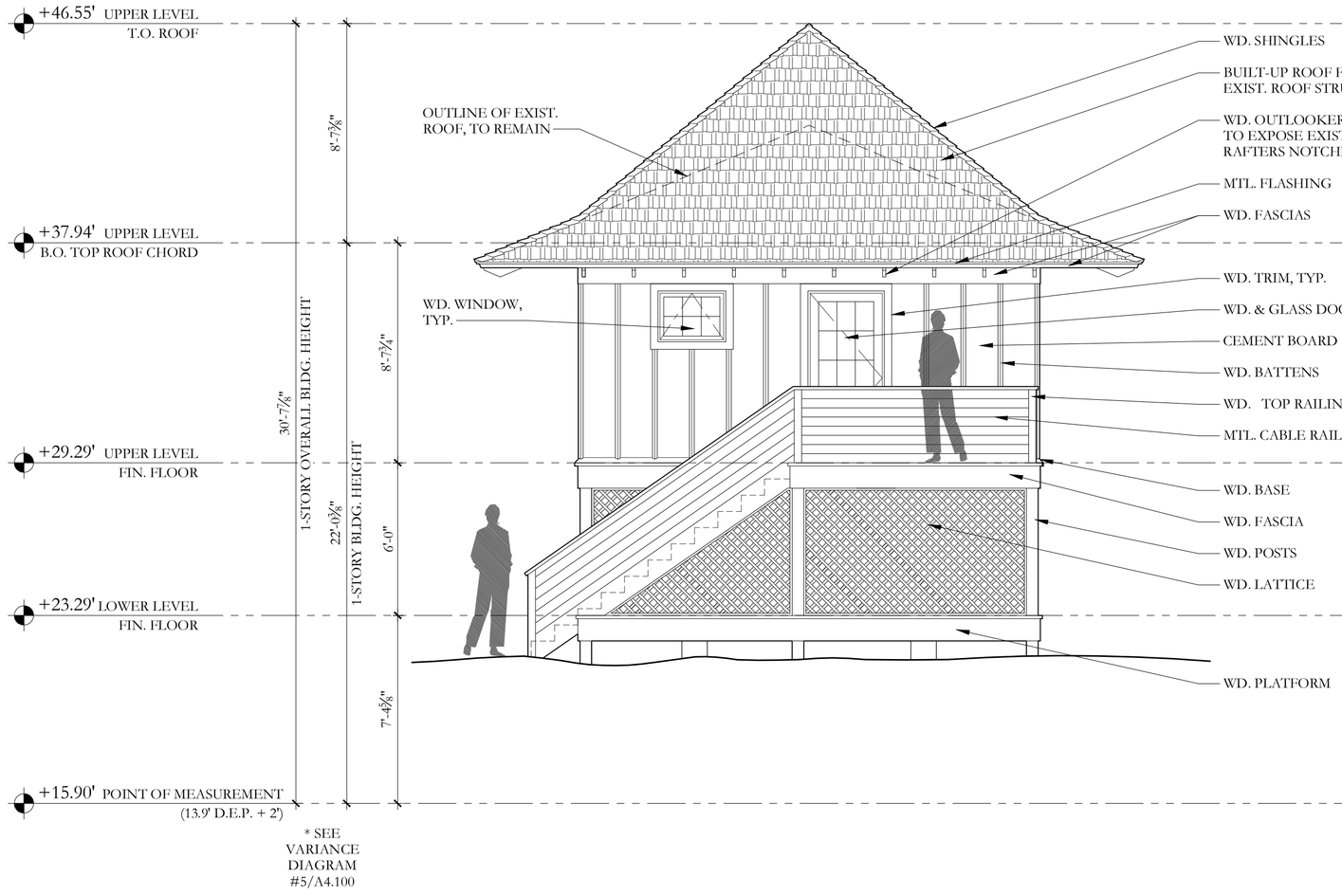
PHIPPS OCEAN PARK
PREPARED FOR
TOWN OF PALM BEACH

TOWN OF PALM BEACH FL

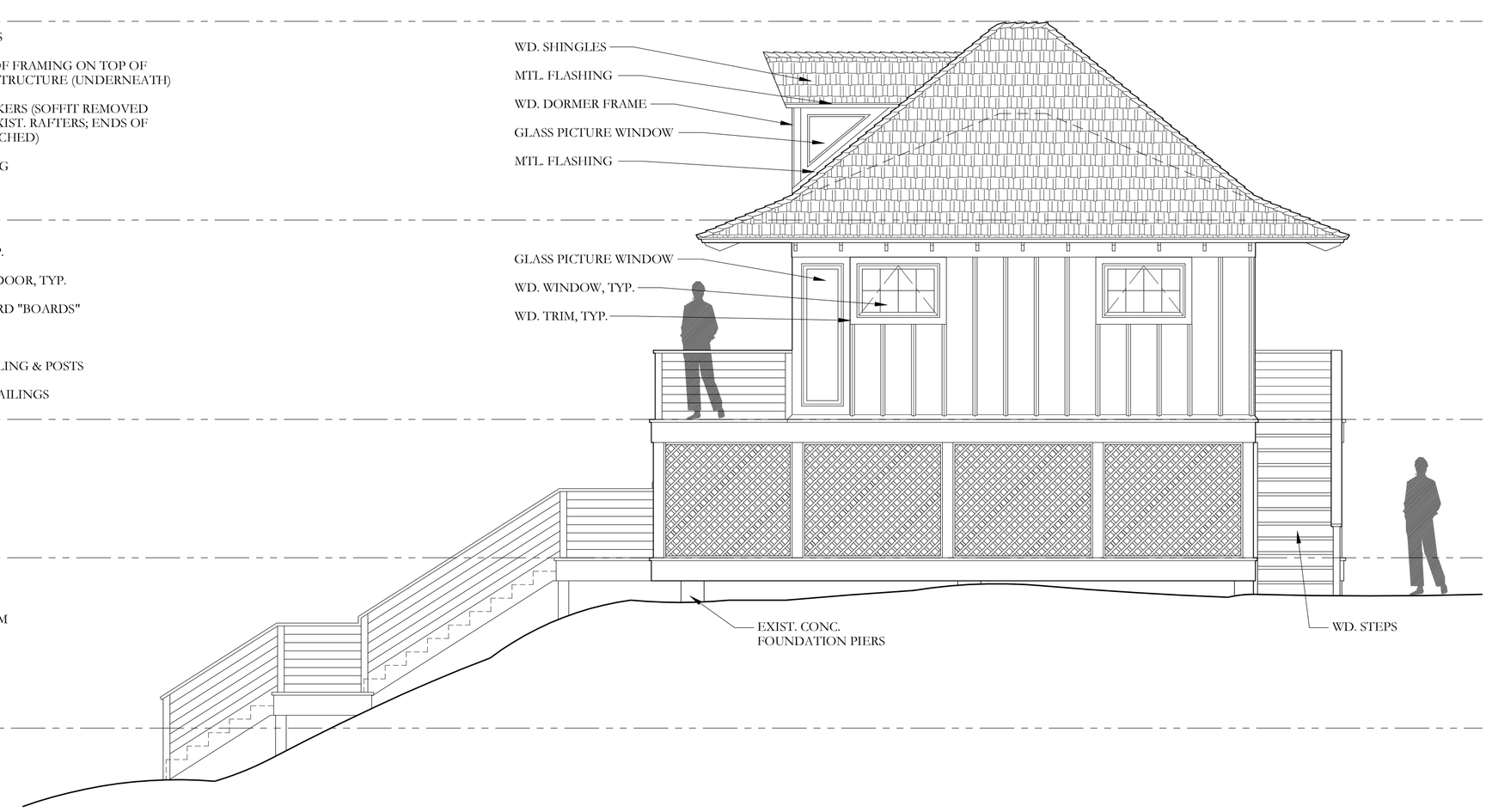
SHEET NUMBER
AF.110

04-03-2023 TOM Backup

NOTE: ELEVATIONS REFERENCED TO NAVD SURVEY ELEVATIONS



1 PROPOSED WEST ELEVATION
1/4"=1'-0"



2 PROPOSED NORTH ELEVATION
1/4"=1'-0"

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PROPOSED ELEVATIONS

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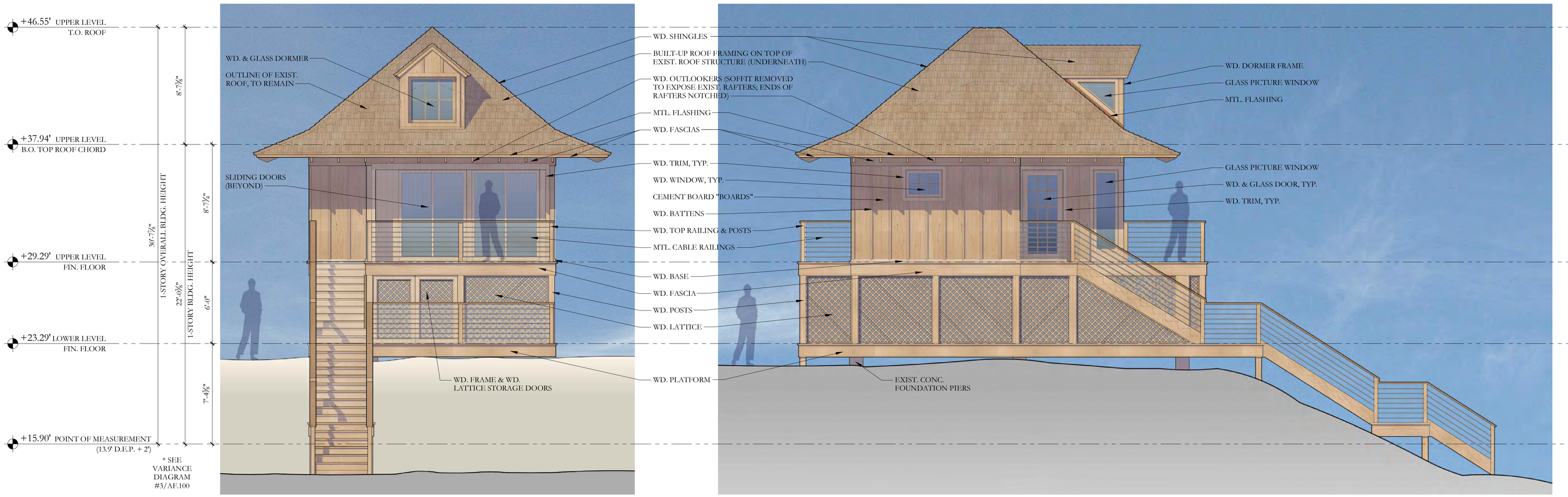
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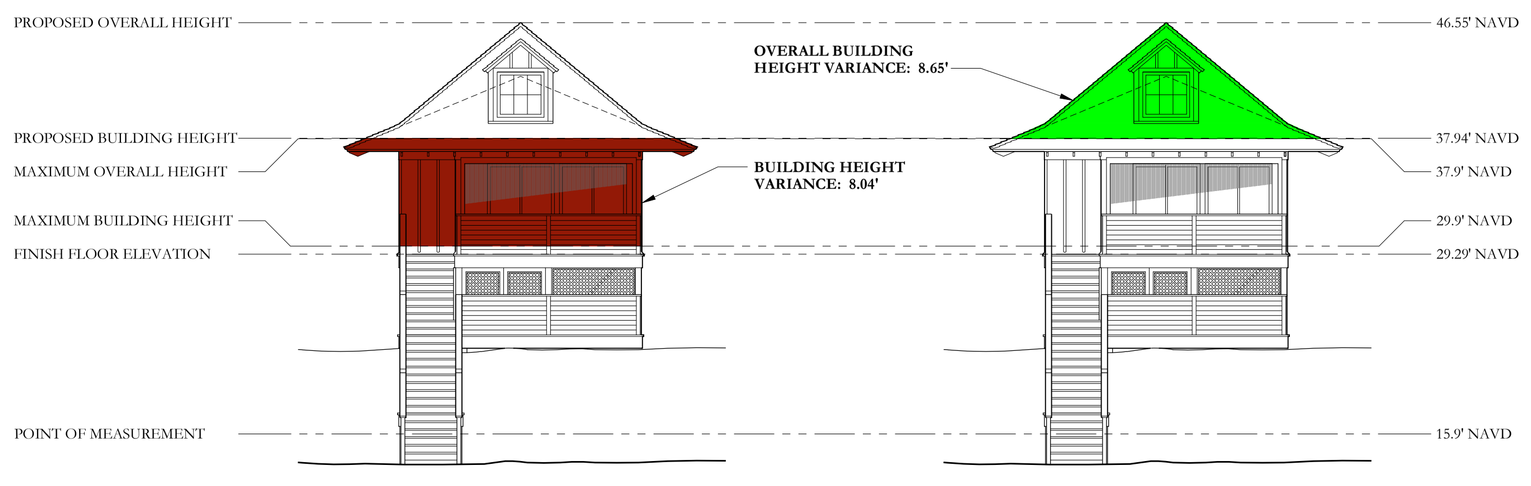
04-03-2023 TOM Backup

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COA: 22-037
ZON: 22-107

No.	REVISIONS	DATE

STATE OF FLORIDA
RICHARD F. SAMMONS
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PROJECT No.

DATE 02/21/2023

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LIFEGUARD STATION
PROPOSED ELEVATIONS

TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

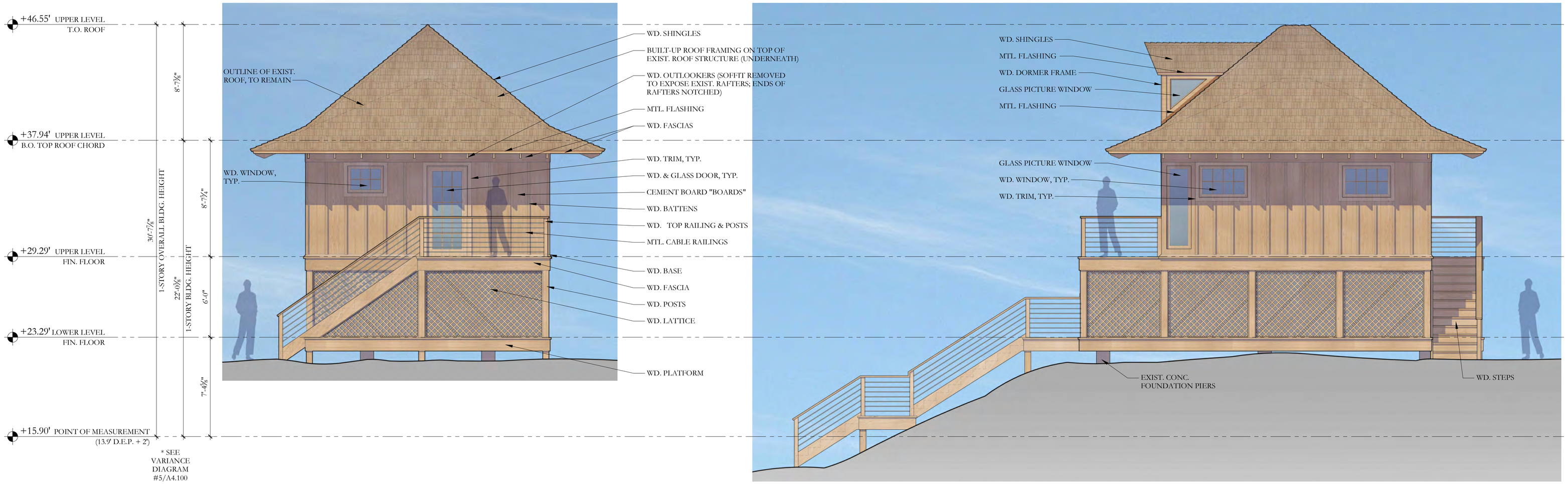
PHIPPS OCEAN PARK
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TOWN OF PALM BEACH

TOWN OF PALM BEACH FL

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AF.110

04-03-2023 TOM Backup

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STATE OF FLORIDA
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AR0016906
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DATE 02/21/2023

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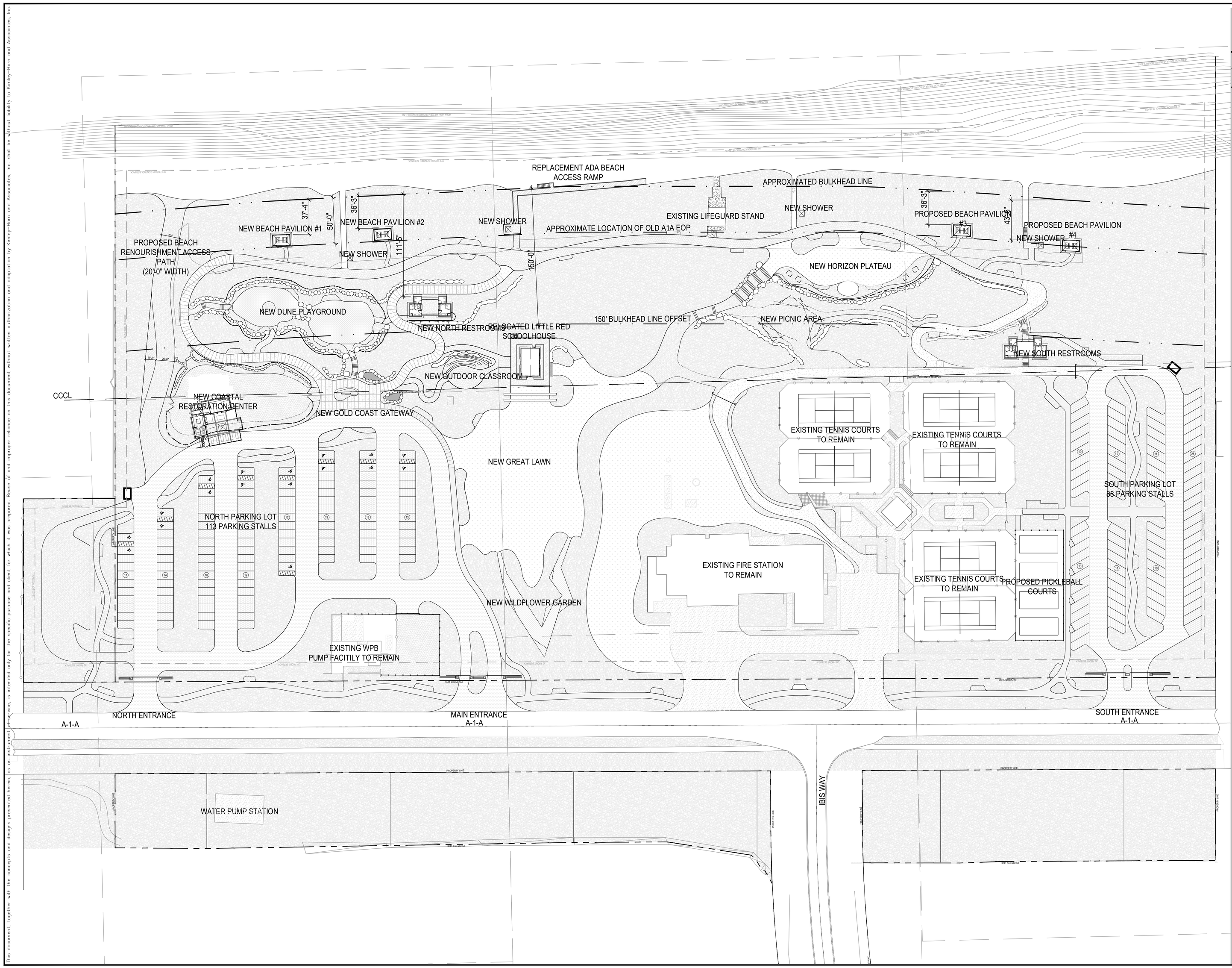
SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

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By yfigueroa at 8:21 am, Feb 22, 2023

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LEGEND

PROPERTY LINE

SETBACK

COASTAL CONSTRUCTION CONTROL LINE

0 25 50 100

SCALE: 1:50

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RAYMOND JUNGLES
REGISTERED LANDSCAPE ARCHITECT

PROJECT No.

DATE 9/26/2022

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SITE PLAN

SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

PHIPPS OCEAN PARK

PREPARED FOR
TOWN OF PALM BEACH

SHEET NUMBER
GI.000

04-03-2023 TOM Backup
Christopher Barnes S:\PROJECTS\30050_Phipps Ocean Park Master Plan\20 DESIGN\24 WORKING\CAD\Sheets\30050_00_SP-100_Site Plan.dwg
2022/10/13
285

RECEIVED
MAR 10 2023
Town of Palm Beach
PZB Dept

Susan and Richard M. Rieser Jr.
2100 S. Ocean Blvd., Apt 305N
Palm Beach, Florida 33480
847.707.7107; 630.710.4000
susanrieser1342@gmail.com; rickrieser@gmail.com

March 6, 2023

Town of Palm Beach
Landmarks Preservation Commission and Town Council
360 S. County Rd.
Palm Beach, FL 33480

RE: Notice of Public Meetings of the Landmarks Preservation Commission and Town Council on 3/22/2023 and 4/3/2023 respectively pertaining to **2185 S Ocean Blvd – Phipps Park** exceptions, site plan reviews and variances.

Dear Commissioners and Council Members:

Previously we attended hearings regarding the proposed improvements to Phipps Park. Regrettably we will be out of town during your upcoming meetings on the matter. We live in Sloan's Curve immediately north and adjacent to Phipps Park

We are generally favorably disposed to the plans discussed, with one exception and one caveat:

No to Pickle Ball. We vigorously oppose the addition of pickle ball courts because of the inevitable adverse effects of noise – from both the thwack of the ball on wood rackets and from raucous players -- on residents of adjacent housing and the inherent incongruity with the contemplative and educational activities intended for the Park.

.

Assurance of Adequate On-site Parking. We respectfully ask that you provide adequate parking within the perimeter of the park. We note your Par 3 golf course nearby on S. Ocean now routinely has overflow parking on the grass along S Ocean Blvd, and we think this is unsightly and at peak times adversely affects traffic on S Ocean – a situation we don't want repeated at Phipps. A professional peak-parking study is warranted for Phipps.

Thanks in advance for your careful consideration of our concerns.

Sincerely,

Susie and Rick Rieser

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Phipps Plaza Park Donation

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

ATTACHMENTS:

- **Memorandum Dated March 22, 2023, From H. Paul Brazil, P.E., Director of Public Works**
- **Phipps Plaza Park Memorandum**
- **Phipps Plaza Rendered Site Plan**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Phipps Plaza Park Donation

DATE: March 22, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council authorize the acceptance of the donation of $300,000 and the proposed site plan for Phipps Plaza Park.

GENERAL INFORMATION

Town Council approved the zoning application for the Carriage House, 264 South County Road, on February 13, 2019. As a condition of approval, was the donation of $300,000 for renovations to the Phipps Plaza Park. Attached is a memorandum from the Carriage House Properties, LLC along with the proposed site plan for the park. The proposed plan is scheduled to be presented at the April Landmarks Committee meeting. As the property owner, Town Council is requested to accept the donation and approve the proposed site plan.

Once the donation is accepted and the site plan is approved, Public Works will accept the responsibility to implement the approved plan. Public Works will work with Procurement and Contract to put the project out for bid. Once the bids are received and evaluated, the recommended bid will be brought back to Town Council for approval. Public Works expects to perform this work this summer and have the work completed prior to Thanksgiving.

FUNDING/FISCAL IMPACT

All funding for this effort will be through the Carriage House Properties Partners, LLC.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Maura Ziska, Kochman & Ziska PLC
Paul Colby, Facilities Maintenance Division Manager

To: Mayor and Town Council/Patricia Strayer

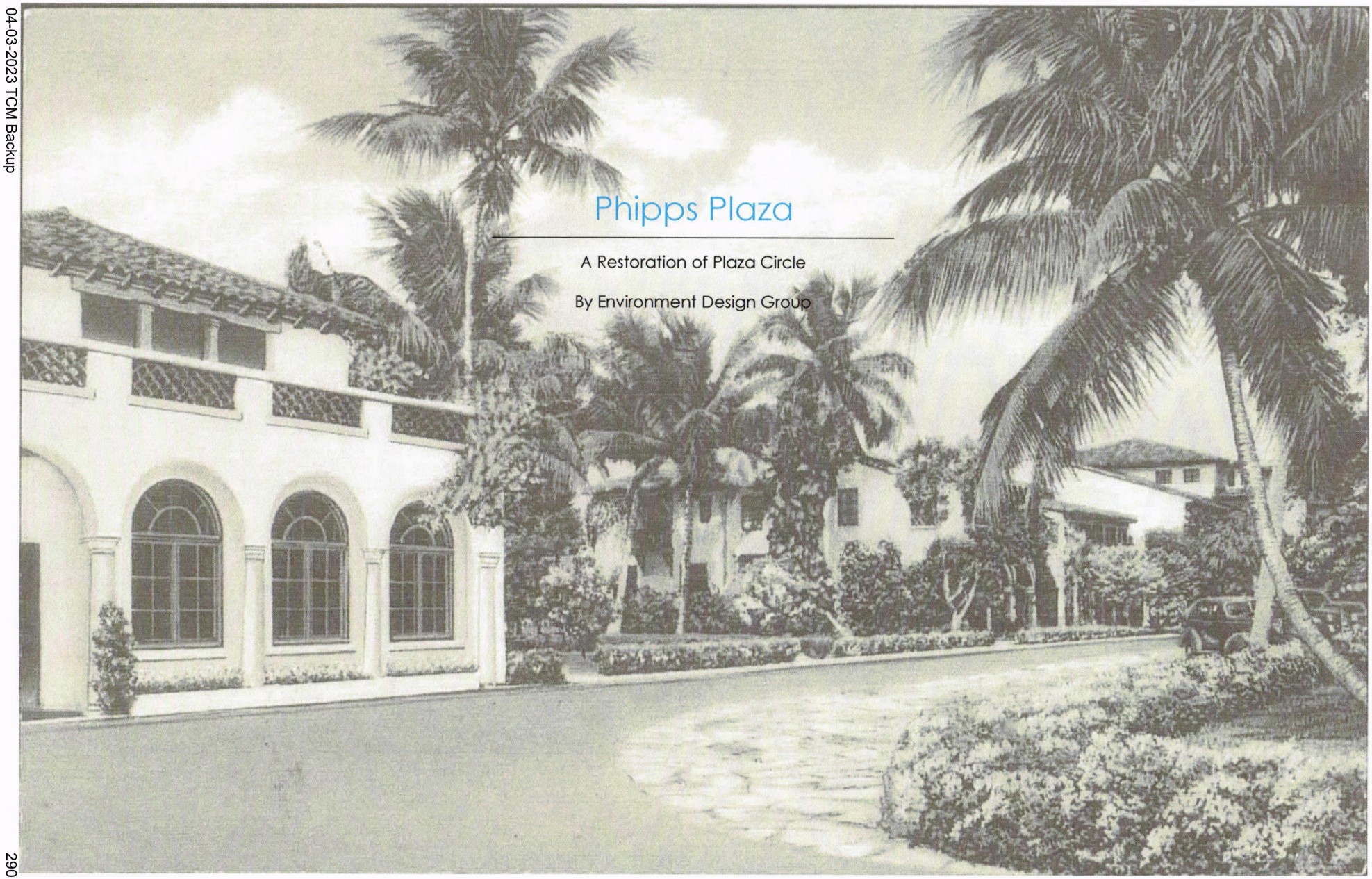
From: Carriage House Properties Partners LLC

Date: March 9, 2023

Subject: Phipps Plaza Park

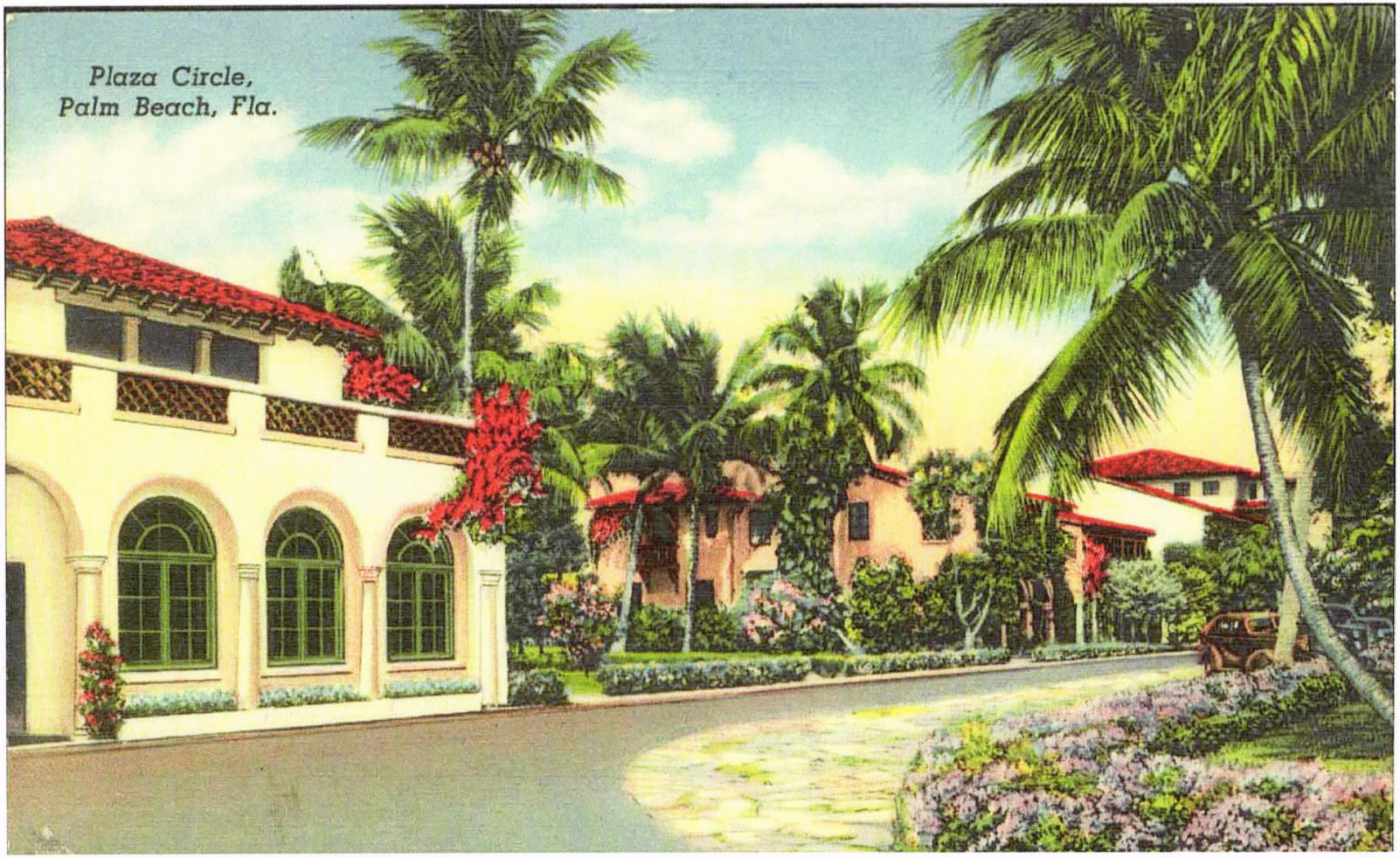
Town Council approved Zoning Application Number Z-l 8-00149 on February 13, 2019 which granted the Club special exception approval to open a private club at 264/270 South County Road. The conditions of the approval were memorialized in a Declaration of Use. One of the conditions was that the Club would donate $300,000 to the Town to beautify Phipps Plaza Park. The proposed plan has been submitted to the Town for consideration at the April Landmarks meeting and the May Town Council meeting. The Town Council will need to accept the donation. As the Town owns the park the Town Council is being requested to approve the design of the park prior to being presented at the Landmarks Committee meeting.

Please place this matter on the April 3, 2023 Town Council meeting agenda.


Phipps Plaza
A Restoration of Plaza Circle
By Environment Design Group

Phipps Plaza | History

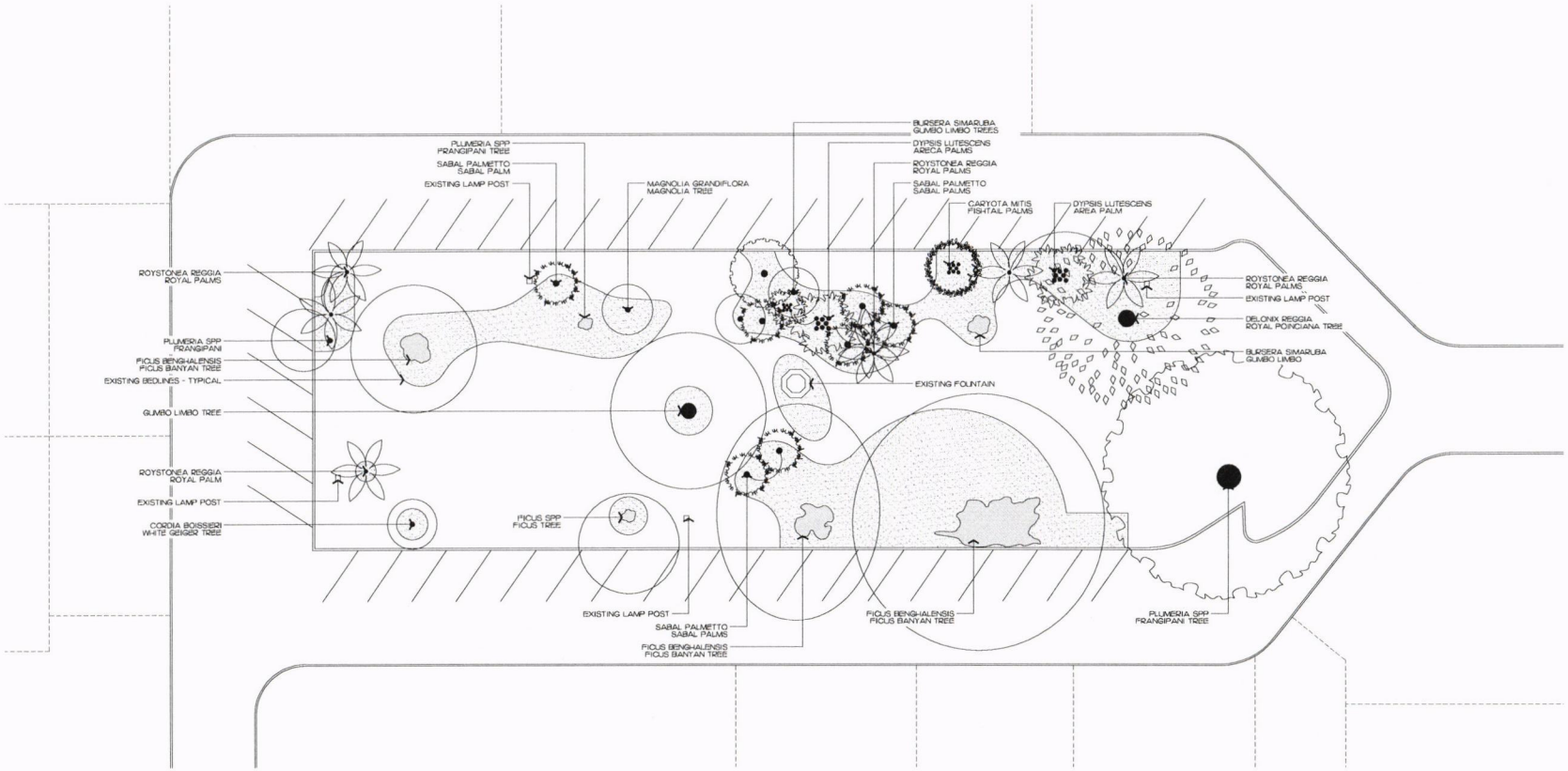
Tropical fauna in a rich colorful plant palette | circa1925



"Situated between the rapidly emerging Worth Avenue and the towns traditional Main Street, the enclave now known as Phipps Plaza - its inner ring was first called Circle Plaza - 'hidden by a proloxity of tropical flowers'

Environment Design Group
Landscape Architecture

24-03-2023 TCM Backup



NOTE:

NO TREES WILL BE REMOVED

ENVIRONMENT DESIGN GROUP
139 North County Road SUITE-B Palm Beach, Fl 33480
Phone: 561.832.4600 Mobile: 561.313.4424
Landscape Architecture
Land Planning
Landscape Management
Dustin M. Morell, MLA FLA #6666784
Dustin@environmentdesigngroup.com

Phipps Plaza
Palm Beach
FLORIDA

JOB NUMBER: # 202087.00 LA
DRAWN BY: Lauren Freeman
DATE: 01.23.2023
02.06.2023
02.27.2023

SHEET L1

ZON-23-045
COA-23-018

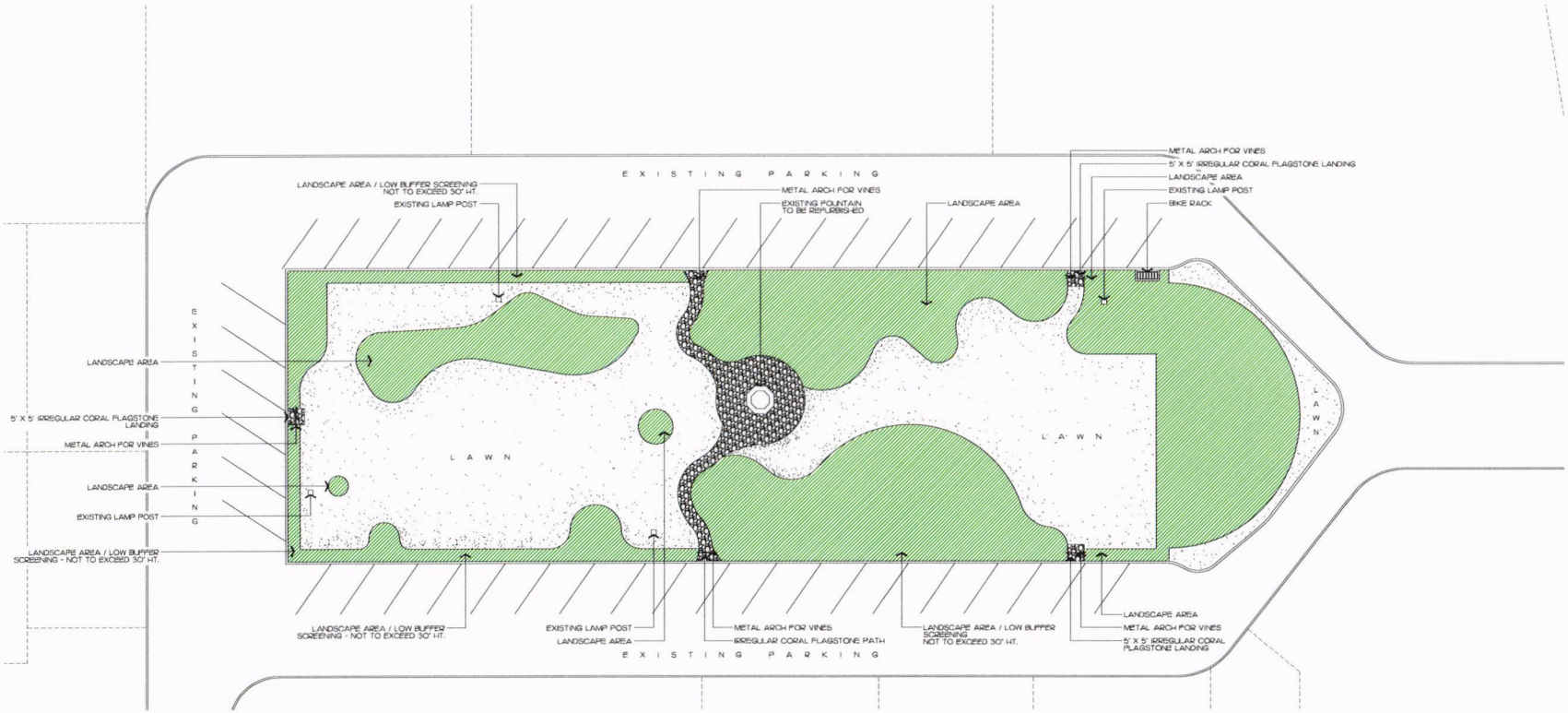
Existing Vegetation Plan

SCALE: 1/16"=1'-0"

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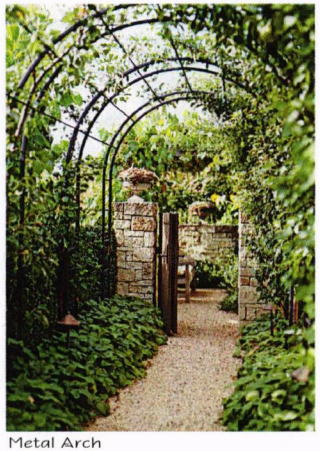
DISCLAIMER: 2023
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SUNSHINE STATE ONE CALL OF FLORIDA, INC





Irregular Coral Flagstone Path & Landings



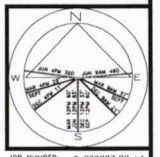
Metal Arch



Bike Rack

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Land Planning
Landscape Management
Dustin M. Morel, MLA FLA #6666784
Dustin@environmentdesigngroup.com

Phipps Plaza
Palm Beach
FLORIDA



JOB NUMBER: # 202087.00 LA
DRAWN BY: Lauren Freeman
DATE: 02.27.2023

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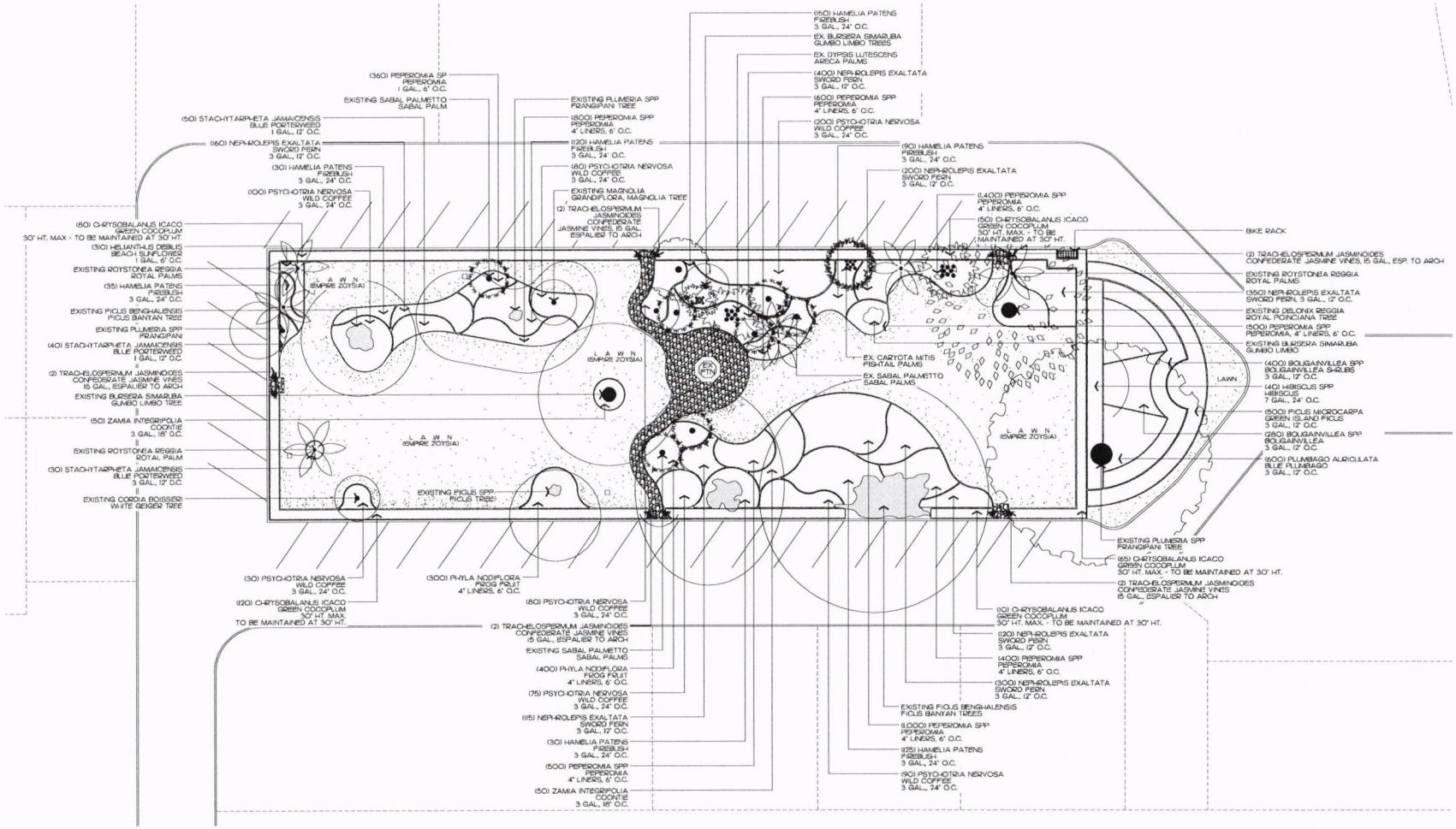
DISCLAIMER: 2023
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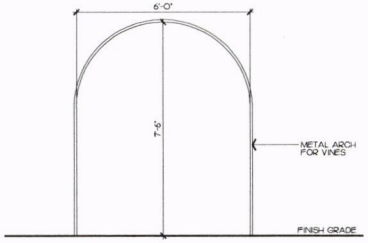
SHEET L5

ZON-23-045
COA-23-018

Site Plan

SCALE: 1/16"=1'-0"

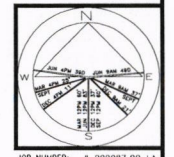




Metal Arch Elevation
SCALE: 1/2"=1'-0"

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Dustin@environmentdesigngroup.com

Phipps Plaza
Palm Beach
FLORIDA



JOB NUMBER: # 202087.00 LA
DRAWN BY: Lauren Freeman
DATE: 01.23.2023
02.09.2023
02.27.2023

SHEET L6

ZON-23-045
COA-23-018
Landscape Plan
SCALE: 1/16"=1'-0"

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DISCLAIMER 2023
In addition, as the term is generally understood, and that ENVIRONMENT DESIGN GROUP does not provide landscape architectural services during construction, including on-site monitoring, site visits, shop drawing review, design distribution, etc., the client agrees to indemnify and hold harmless ENVIRONMENT DESIGN GROUP from any liability arising from, acts or omissions in the performance of said services during construction by the client, and his/her agents, employees, or subcontractors.

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Landscape Management
Dustin M. Mizell, MLA FLA #6666784
DustinM@environmentdesigngroup.com

Phipps Plaza
Palm Beach
FLORIDA

JOB NUMBER: # 202087.00 LA
DRAWN BY: Lauren Freeman
DATE: 01.24.2023
02.09.2023
02.27.2023

SHEET L6

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DISCLAIMER: 2023
Disclaimer: as the term is generally understood, and that ENVIRONMENT DESIGN GROUP does not provide landscape architectural services during construction, including on-site monitoring, site visits, shop drawing review, design clarifications etc., the client agrees to indemnify ENVIRONMENT DESIGN GROUP from any liability arising from, acts or omissions in the performance of said services during construction by the client, and his/her agents, employees, or subcontractors.

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ZON-23-045
COA-23-018

Rendered Landscape Plan

SCALE: 1/16"=1'-0"

04-03-2023 TCM Backup

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Regular Agenda - New Business

Agenda Title
Commercial Motion Picture Application

Presenter
Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Email Dated March 29, 2023, from Bill Metzger**
- **Production Description**
- **Commercial Motion Picture Film Permit Application**
- **Zoning District Map**
- **Town Code Chap. 22-151 Filming**

Pat Gayle-Gordon

From: jwmetzger@aol.com
Sent: Wednesday, March 29, 2023 8:20 AM
To: Kirk Blouin; Pat Gayle-Gordon
Subject: Video Production
Attachments: Town of PB Overview Request.pdf

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Hello, Kirk,

Thank you for meeting with me recently. I appreciate your open approach regarding the possibility of video production in Town.

As we discussed, in order to introduce the project to you, this email and attachment include a brief summary of the action scenes that are being sought. We endeavor to provide the information you need to place the item on the Town Council agenda for the April meeting. The producers are aware of all the requirements of the Town's formal application process.

I have been communicating with Pat Gayle-Gordon and she has been very helpful. We look forward to the Town Council meeting on Monday, April 3 and will be prepared at that time to discuss the project and answer questions.

Thank you again and please don't hesitate to let me know if you need anything further.

Best regards,
Bill
561-309-3169.

Production Description

Story point of view: Palm Beach is a wonderful place. Look everywhere and appreciate nature and architecture in a community world-renowned for its beauty, quality of life and small-town character -- a 'Paradise' where most everyone would like to live, even our lead character and her family.

Action scenes: Female lead of the story is seen riding her bicycle through Palm Beach. Her route and her viewpoint would include the ocean, houses along the ocean, mid-town beach section along S. Ocean Blvd. including the Worth Avenue clock tower, Worth Avenue, A!A near The Colony Hotel, S. Lake Drive along the town docks, and across Royal Park Bridge into West Palm Beach.

Production time period: July, 2023, anticipate late in the month. Weather dates may extend into Augiust 2023, if needed due to gray skies and/or inclement weather). Can work on weekends.

Production days for 1st Unit: Plan for two (2) days with up to two (2) additional days for weather protection. 1st Unit will include talent, crew and extras (as needed).

Production days for Drone Unit: Plan for two (2) days with up to two (2) additional days for weather protection. Talent will not be involved in the Drone Unit, and the crew will be very limited. The Drone Unit will use a drone to capture establishing shots and beauty shots of the Town.

Capture devices: Video cameras, both stationary and moving, possibly using a camera-crane and/or dolly to follow the action; potentially also tracking talent with a drone.

Crew and vehicles: Minimum number sufficient to satisfactorily record the action. [Note: Principal staging of vehicles, equipment and personnel, as well as production management offices, will be located in West Palm Beach.]

GUIDELINES FOR APPLICATION FOR COMMERCIAL MOTION PICTURE

FILMING PERMIT IN ACCORDANCE WITH ORDINANCES

NUMBER 3-86, 7-88, 23-88, 5-89 AND 10-90

The following guidelines shall be complied with in order to secure the permit necessary to film in the Town of Palm Beach which is granted by the Town Council:

1. Applicant shall complete application available in the Town Clerk's Office, returning same to the Town Clerk's Office at least thirty (30) days prior to the date of dates upon which the applicant wishes to conduct said activity. After review and comments by Town Staff, the application will then be required to be considered by the Town Council at a regularly scheduled monthly meeting (the second Tuesday of each month; however, please check with the Town Clerk on specific meeting date when Town Council consideration will be scheduled).

2. Applicant shall furnish a Hold Harmless Agreement in favor of the Town of Palm Beach, saving, defending and holding harmless the Town of Palm Beach, its agents, employees and representatives from any claim which arises as a result of the activities of the applicants, its agents, representatives or employees within the Town.

3. Applicant shall provide a Certificate of Insurance naming the Town of Palm Beach as a named insured in the amount of not less than $10,000,000.00. In the event an aircraft is to be involved in any filming, the insurance policy shall be for an amount not less than $100,000,000.00. In the event water craft is to be involved in any filming, insurance policy shall be for an amount not less than $25,000,000.00.

4. Applicant shall deposit an application fee of $1,500.00 (non-refundable) with the Town and an amount determined by the Town Manager and approved by the Town Council to compensate the Town for any extraordinary service required by the Town for purposes of carrying on the activity which will be conducted pursuant to the terms of the permit. In addition to the $1,500.00 application fee, there will be a filming fee of One Thousand Dollars ($1,000.00) per day for each day of filming.

5. The Ordinances referred to in the title are attached to the application as well as the sections in the Code referring to aircraft and traffic. It should be noted that compliance with other Town Ordinances, as applicable, will be necessary.

6. Applicant shall provide to the Town a copy of written authorization from each property owner on which the proposed filming is to take place.

7. Filming is allowed in the Town of Palm Beach only from April 16 through November 14, between the hours of 10:00 A.M. to 4:00 P.M. and 6:00 P.M. to 8:00 A.M. for a maximum number of seven (7) days of any one month. This is the maximum number of days allowed for all motion picture filming (not the maximum for each approved applicant) during any one month within the Town of Palm Beach. There shall be no blockage or impediment of the public streets, sidewalks or rights-of-way of the Town which would restrict or inhibit the normal flow of pedestrian or vehicular traffic. Filming is not allowed in the residentially zoned districts and is restricted to the commercially zoned districts within the Town. Filming is not permitted in any governmental building of the Town or on the sidewalks or rights-of-ways abutting any such governmental building nor on any street, roadway or thoroughfare less than (30') feet in width.

8. It is understood that all of the provisions will be adhered to, as contained in Ordinances 3-86, 7-88, 23-88 and 10-90.

NOTE:

The County of Palm Beach has a Film & Television Commission and you may wish to contact them at 2195 Southern Blvd., Suite 520, West Palm Beach, FL 33406. Phone: (561) 233-1000. Website: www.pbfilm.com.

APPLICATION FOR PERMIT FOR COMMERCIAL MOTION PICTURE MAKING

1. NAME, ADDRESS, AND PHONE NUMBER OF PERSON, FIRM OR CORPORATION APPLYING FOR THE PERMIT:

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

2. NUMBER OF PERSONNEL AND NUMBER AND TYPE OF VEHICLES AND SPECIFIC FILMING EQUIPMENT WHICH WILL BE INVOLVED IN THE CONDUCT OF THE FILMING ACTIVITIES FOR EACH PROPOSED LOCATION. (USE SEPARATE SHEET IF NECESSARY.)

_____

_____

_____

_____

3. DATE, TIME AND PLACE FOR EACH PROPOSED LOCATION. (USE SEPARATE SHEET IF NECESSARY.)

DATE: _____

TIME: _____

SPECIFIC LOCATIONS: _____

_____

_____

4. DESCRIBE THE SPECIFIC PROPOSED FILMING ACTIVITY FOR EACH LOCATION WHICH PUBLIC PROPERTY IS REQUESTED TO UTILIZE. (USE SEPARATE SHEET IF NECESSARY.)

_____

_____

_____

5. NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON WHO WILL BE IN CHARGE OF THE FILMING ACTIVITY.

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

6. BY THE SIGNING OF THIS APPLICATION, THE APPLICANT AGREES TO THE FOLLOWING CONDITIONS:

I. Filming is allowed from April 16 thru November 14th between the hours of 10 A.M. to 4 P.M. and 6 P.M. to 8 A.M..

II. There will be no blockage or impediment of the public streets, sidewalks or rights-of-ways of the Town which would restrict or inhibit the normal flow of pedestrian or vehicular traffic. Filming is not allowed on any street, roadway or thoroughfare less than thirty (30') feet in width.

III. The filming is restricted to the commercially zoned districts within the Town and shall not be permitted within the residentially zoned districts. Filming is not permitted in any governmental building of the Town of Palm Beach or on the sidewalks or rights-of-way abutting any such building.

_____ _____

Date Applicant

Sworn to and subscribed before me, a
Notary Public, on this _____day
of _____, 20_____.

_____

DATE OF TOWN COUNCIL MEETING WHEN PERMIT ISSUANCE WAS AUTHORIZED.

_____

Notary Public

My Commission Expires: _____

SEAL

APPROVED

_____

TOWN MANAGER DATE

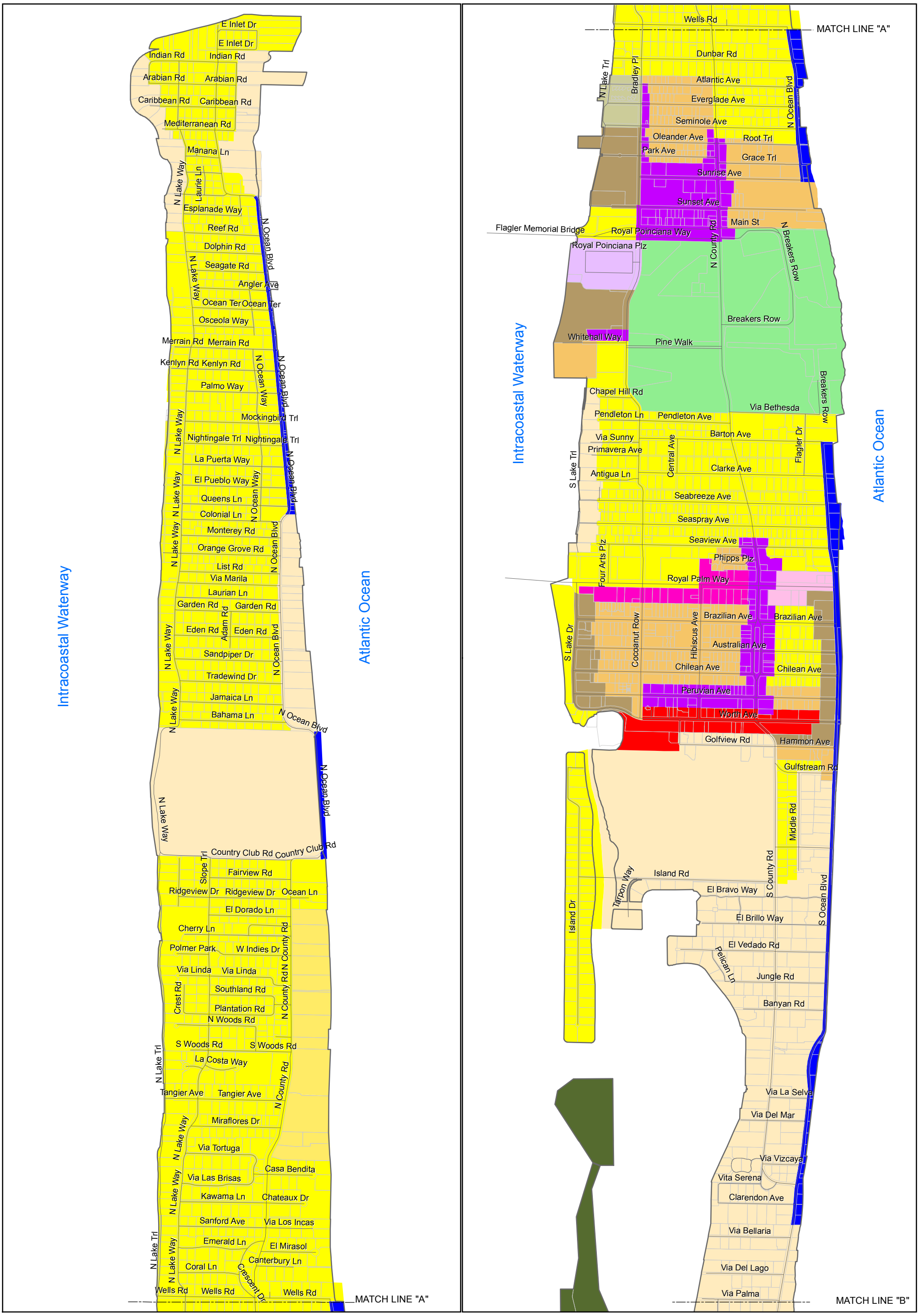
CONDITIONS:

_____

_____

_____

_____



TOWN OF PALM BEACH ZONING MAP - 2017
Planning, Zoning & Building Department

- R-AA (Large Estate Residential)
- R-A (Estate Residential)
- R-B (Low Density Residential)
- R-C (Medium Density Residential)
- R-D(1) (Moderate Density Residential)
- R-D(2) (Heavy Density Residential)
- C-OPI (Commercial Off, Prof, Inst)
- C-PC (Commercial Planned Ctr)
- C-TS (Commercial Town Serving)
- C-WA (Commercial Worth Ave)
- C-B (Commercial Offices)
- C (Conservation District)
- PUD-A (Planned Unit Dev)
- PUD-B (Planned Unit Dev)
- PUD-C (Planned Unit Dev)
- BA (Beach Area)

Feet
0 1,000 2,000

Map Created: May 4, 2017
Town of Palm Beach
Information Technologies GIS Department
Planning, Zoning & Building Department
(561)838-5430
Email: pzb@townofpalmbeach.com
Website: palmbeach.govoffice.com

MAP I - 1
303

04-03-2023 TCM Backup

Via Palma
Via Palma
Algoma Rd
Algoma Rd
MATCH LINE "B"
Kings Rd
Woodbridge Rd
S Ocean Blvd
Southern Blvd
S Ocean Blvd
S Ocean Blvd
Blossom Way
S Ocean Blvd
Oceanview Rd
Lagomar Rd
S Ocean Blvd
Seagrape Cir
Via Fontana
Parc Monceau
Via Agape
S Ocean Blvd
S Ocean Blvd
S Ocean Blvd
Ibis Isle Rd
Ibis Way
Ibis Way
Ibis Isle Rd W
Ibis Isle Rd E
S Ocean Blvd
Old S Ocean Blvd
MATCH LINE "C"
Intracoastal Waterway
Atlantic Ocean
Ibis Isle Rd W
Ibis Isle Rd E
S Ocean Blvd
Old S Ocean Blvd
MATCH LINE "C"
S Ocean Blvd
Lake Worth Rd
CITY OF LAKE WORTH
COMMERCIAL/PUBLIC-RECREATION
S Ocean Blvd
S Ocean Blvd
TOWN OF
PALM BEACH LIMITS
TOWN OF SOUTH PALM BEACH
SINGLE FAMILY RESIDENTIAL/MULTI FAMILY RESIDENTIAL
Intracoastal Waterway
Atlantic Ocean

TOWN OF PALM BEACH ZONING MAP - 2017
Planning, Zoning & Building Department

- R-AA (Large Estate Residential)
- R-A (Estate Residential)
- R-B (Low Density Residential)
- R-C (Medium Density Residential)
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- C (Conservation District)
- PUD-A (Planned Unit Dev)
- PUD-B (Planned Unit Dev)
- PUD-C (Planned Unit Dev)
- BA (Beach Area)

0 1,000 2,000 Feet

N W E S

Map Created: May 4, 2016
Town of Palm Beach
Information Technologies GIS Department
Planning, Zoning & Building Department
(561)838-5430
Email: pzb@townofpalmbeach.com
Website: palmbeach.govoffice.com

MAP I - 1
304

DIVISION 2. - PERMIT

Sec. 22-151. - Required; application fee.

(a) Any person desiring to use the public streets or sidewalks, the public rights-of-way, or other public properties within the town for the purposes of commercial motion picture making shall be required to first obtain a permit for that activity from the town council. This permit is not intended to preclude legitimate video production of news events.

(b) The application for permit shall be accompanied by a $1,000.00 nonrefundable permit fee payable to the town for the administrative processing of the permit application. In addition to the $1,000.00 application fee, there will be a filming fee of $800.00 per day for each day of filming.

(Code 1982, § 10-421)

Sec. 22-152. - Application.

All applications for permits referenced in section 22-151 shall be filed with the town clerk at least 30 days and not more than 45 days prior to the date or dates upon which the applicant wishes to conduct the activity. Complete applications must be filed with the town clerk no less than 20 days prior to the town council meeting at which the application is to be considered. The application shall contain the following information:

(1) The name and address of the person applying for the permit.

(2) The number of personnel required by the applicant to conduct the activities for which the permit is sought.

(3) The date, time and places during which the proposed activity is to be conducted and a description of the specific activities. This information shall describe the specific public property sought to be utilized, the specific times of day during which the properties are requested to be utilized, and the specific activity which is to be conducted upon the property.

(4) The name, address and telephone number of the specific person who is to be responsible for all of the activities to be conducted pursuant to the terms of the permit.

(Code 1982, § 10-422)

Sec. 22-153. - Prerequisites to issuance.

Prior to a permit's being granted under this division, the following shall be provided to the town by the applicant:

(1)

Hold harmless agreement. The applicant shall execute a hold harmless agreement in favor of the town saving, defending and holding harmless the town, its agents, employees and representatives, from any claim arising as a result of the activities of the applicant, his agents, representatives or employees, within the town. This agreement shall be executed by an individual and/or entity capable financially and otherwise of honoring the terms thereof, and the agreement shall be in a manner and form acceptable to the town and deemed to provide the protection necessary to the town as intended by this section.

(2) *Certificate of insurance.* The applicant shall provide a certificate of insurance naming the town as a named insured under the insurance policy for an amount not less than $10,000,000.00. When an aircraft is to be involved in any filming, the insurance policy shall be for an amount not less than $100,000,000.00, and when any watercraft is to be involved in any filming, the insurance policy shall be for an amount not less than $25,000,000.00. The town council may increase the minimum amount of insurance specified herein upon the recommendation of the town manager or his designee.

(3) *Deposit for services.* The applicant shall deposit with the town an amount determined by the town manager and approved by the town council, to compensate the town for any extraordinary services required by the town for purposes of carrying on the activity to be conducted pursuant to the terms of the permit.

(4) *Time schedule.* In no event shall any of the activities to be conducted pursuant to the terms of the permit be conducted between the hours of 8:00 a.m. and 10:00 a.m., and 4:00 p.m. and 6:00 p.m. Dates and times during which filming shall be allowed shall be subject to the approval of the town manager.

(5) *Deference to normal flow patterns.* At no time shall the public streets, sidewalks or rights-of-way of the town be blocked or impeded to restrict or inhibit the normal flow of pedestrian or vehicular traffic.

(6) *Limitation to commercial districts.* The activities permitted by this section are restricted to the commercially zoned districts within the town and shall not be permitted within the residentially zoned districts.

(7) *Prohibition during season.* The activities permitted by this section shall take place only from April 16 through November 14 of any year. In no event shall commercial motion picture making take place from November 15 through April 15 of any year.

(8) *Prohibition on narrow streets.* In no event shall any of the activities to be conducted pursuant to the terms of a permit be conducted on any street, road or thoroughfare that is less than 30 feet in width of paved right-of-way.

(9) *Prohibition in or adjacent to governmental buildings.* In no event shall any of the activities to be conducted pursuant to the terms of a permit be conducted in any governmental building of the town or on the sidewalks or rights-of-way abutting any such building.

(10) *Maximum number of days per month.* In no event shall commercial motion picture making be permitted to be conducted within the town for a period of more than seven days in any one month during the period of time that is allowed for that activity as specified by the terms of this section. It is the intention of this subsection that the seven-day period is the maximum number of days allowed for motion picture making during any one month within the town. In other words, if one applicant has already received a permit to conduct motion picture making activities within the town for a period of seven days during any one month, no other permits shall be granted to that applicant or any other applicant for motion picture making activities during that particular month. For purposes of this section, applications shall be considered by the town council in the priority of the earliest filed application.

(Code 1982, § 10-423)

Secs. 22-154—22-250. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 039-2023 A Resolution of the Town Council of the Town of Palm Beach, Florida, Opposing and Urging the Florida Legislature not to Adopt House Bill 1317 and Companion Senate Bill 1346, which would Preempt the Town's Authority to Enforce Major Provisions of its Historic Preservation Ordinance and Undermine Protections for Locally Designated Historic Buildings and Structures; Adding This Matter to the Town's List of Legislative Priorities for the 2023 Florida Legislative Session; and Directing the Town Clerk to Transmit This Resolution to the Bill Sponsors, the Speaker Of the House and President of the Senate, and the Palm Beach County Delegation.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated: March 28, 2023, From Wayne Bergman, Director of Planning, Zoning & Building**
- **Bill Analysis and Fiscal Impact Statement, Dated 3/24/23, From The Committee on Community Affairs Professional Staff**
- **Resolution No. 039-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 3, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Oppose the "Resiliency and Safe Structures Act" - Current Language
Resolution No. 039-2023

Date: March 28, 2023

STAFF RECOMMENDATION

Consider adopting Resolution Number 039-2023 opposing the current version of the "Resiliency and Safe Structures Act" (HB 1317 & SB 1346), as this proposed State law would allow property owners of certain commercial and multi-family buildings, that are currently landmarked, to apply for demolition permits, if the buildings are nonconforming with FEMA. Please consider opposition to these bills as they continue to strip the Town of its Home Rule governance. These bills minimize the Town's architectural heritage. Several other preservation-minded Florida communities are opposing this flawed legislation. A few slides from the Miami Design Preservation League are attached, showing the bill's process and opposing governments and preservation agencies.

BILL SUMMARY

HB 1317 and SB 1346 create the "Resiliency and Safe Structures Act", providing that a local government may not prohibit, restrict, or prevent the demolition of the following commercial ana multi-family structures for any reason, other than public safety:

- "Nonconforming structures" in coastal high-hazard areas which fail to meet Federal Emergency Management Agency standards for new construction;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill further prohibits local government from imposing certain limitations or conditions of approval for a replacement structure to be built on the property where a structure was demolished. The replacement structure must be permitted to be developed in accordance with all

applicable zoning codes and ordinances, provided that such zoning codes do not penalize or restrict development rights due to the demolition of any structure in accordance with the Act, including a limitation on the size or height of the replacement structure or a requirement for the replication of a demolished structure or maintenance of any of the structure's elements. An early change to the proposed bills was to have the new law not apply to structures listed in the National Register of Historic Places or single-family homes. But locally designated structures of this type of building are not exempted.

EFFECT OF PROPOSED CHANGES

The bill creates s. 553.8991, F.S., to provide that a local government may not prohibit, restrict, or prevent the demolition of the following structures for any reason, other than public safety:

- "Nonconforming structures" in coastal high-hazard areas which fail to meet FEMA standards for new construction;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill further prohibits a local government from imposing certain limitations or conditions of approval for a "replacement structure" to be built on the property where a structure was demolished. The replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that such zoning codes do not penalize or restrict development rights due to the demolition of any structure in accordance with the Act, including a limitation on the size or height of the replacement structure or a requirement for the replication of a demolished structure or maintenance of any of the structure's elements. Owners or developers of replacement structures are entitled to enjoy all land use, zoning, and other land development rights without regard to local government restrictions or penalties resulting from the demolition of a structure.

The bill defines:

- "Nonconforming structure" as a structure located in a coastal high-hazard area according to a Flood Insurance Rate Map issued by the FEMA which does not conform to the requirements for new construction issued by the National Flood Insurance Program; and
- "Replacement structure" as a new development that occurs on a property where a nonconforming structure in a coastal high-hazard area was located or where a structure has been ordered to be demolished, has been demolished, or has been deemed unsafe by the local building official.

The provisions of the bill do not apply to structures listed in the National Register of Historic Places or single-family homes, but does not exclude landmarked buildings.

Finally, the bill provides a that a municipality, county, special district, or political subdivision may not adopt or apply a law, an ordinance, a rule, a regulation, a policy, a resolution, or any other act that in any way limits the demolition of structures and buildings to which the Act is

applicable or limits the development of a replacement structure in a way that would divest property owners or developers of land use, zoning, or other land development rights for demolishing a structure in accordance with the bill. All laws, ordinances, rules, regulations, policies, resolutions, and other acts of a municipality, county, special district, or political subdivision to the contrary are void.

CHANGES REQUESTED BY THE TOWN

Through the efforts of Town lobbyist Mat Forrest, The Town has requested that the bills exclude the Town of Palm Beach by adding that "any Certified Local Government (CLG)" would be exempt from this law. Unfortunately, that request was not well received.

Another possible exclusion for the Town was proposed by the Preservation Foundation of Palm Beach and is being proposed at this moment. This exclusion could be managed by simply adding "any locally designated historic structure" to proposed F.S. 553.8991(3) Qualifying Structures and Buildings. The requested / proposed text would read:

"553.8991
(3) Qualifying Structures and Buildings. – This section applies to all of the following structures, unless the structure is individually listed in the National Register of Historic Places, ***any locally designated historic structure,*** *or is a single-family home."*

CLOSING THOUGHTS

Staff encourages the Mayor and Town Council to oppose the proposed bills through the adoption of Resolution No. 039-2023. The reasons for opposition of the bills are three-fold:

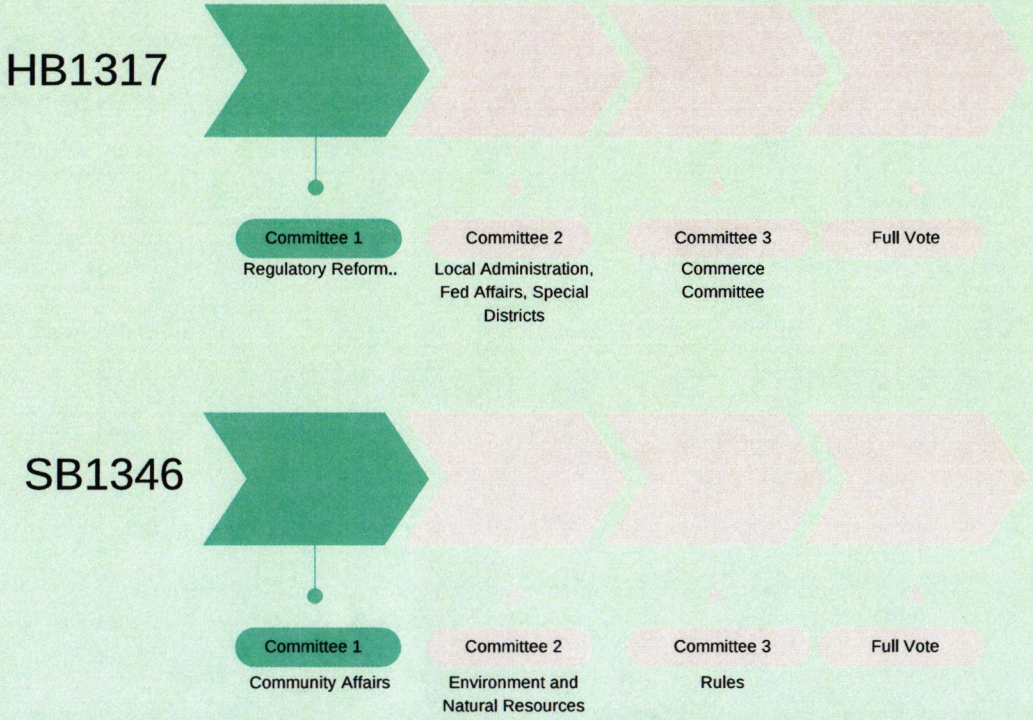
1. The bills expand upon last years' deleterious HB 423. Multi-family and commercial buildings are now included in the group of buildings that can be demolished by owners, even if landmarked, if noncompliant with FEMA elevations. These bills target buildings in the coastal high hazard areas (FEMA VE Zone). So with passage of this proposed law, an owner of any single-family home, not landmarked prior to January of 2022, located in the special flood hazard areas (AE or VE Zones) – AND - an owner of any multi-family or commercial buildings located in the VE Zone (hotels and condominium buildings), can apply for a demolition permit if their building is noncompliant with FEMA. The door is now "kicked open" to allow this list of buildings, and conditions, to evolve each year with future legislation; and

2. This type of law continues the march of the State stripping local communities of their Home Rule rights; and

3. The Town has 115 landmarks that are not single-family homes. Therefore, many of these landmark buildings and structures will fall under the new law. Other communities, like Miami Beach, have far more buildings than Palm Beach that will be impacted by this law. We should support the other Florida communities, that share our efforts and passion to preserve historic treasures and resources, in our collective efforts to oppose this type of

legislation. The Town's opposition of these bills will join with the other Florida communities to send a strong message to Tallahassee to stop adopting these flawed laws.

Bill Status



MIAMI DESIGN PRESERVATION LEAGUE

Outreach & Partnerships

As of Today, we have reached out to:

- Elected Representatives
  - State
  - County
  - Miami Beach
- Florida Trust for Historic Preservation
- National Trust for Historic Preservation
- Florida League of Cities
- Miami-Dade and Miami Beach lobbyists

The following groups have expressed concern/opposition to the bill:

- Miami-Dade County
- Florida League of Cities
- Miami Beach Historic Preservation Board
- Coral Gables Historic Preservation Board
- Town of Palm Beach
- City of Miami Beach (resolution on March 27th Commission agenda)
- Dade Heritage Trust
- Florida Trust for Historic Preservation
- Miami Design Preservation League
- The Villagers
- The Historic Preservation Association of Coral Gables
- National Trust for Historic Preservation
- Preservation Foundation of Palm Beach
- - others? (please let me know, so I can add them to the list!)

MIAMI DESIGN
PRESERVATION LEAGUE

A bill to be entitled

An act relating to local regulation of nonconforming or unsafe structures; creating s. 553.8991, F.S.; providing a short title; defining terms; providing applicability; prohibiting local governments from prohibiting, restricting, or preventing the demolition of certain structures unless necessary for public safety; requiring replacement structures to be permitted to be developed in accordance with applicable zoning codes and ordinances; providing an exception; providing that owners and developers of replacement structures are permitted to develop in accordance with all land use, zoning, and other land development rights; providing for retroactive application; preempting regulation of the demolition or replacement of certain structures to the state under certain circumstances; providing an effective date.

WHEREAS, it is of paramount importance to replace older, unsafe, or nonconforming structures that are a threat to life and safety with new, resilient buildings built to contemporary building codes and standards, and

WHEREAS, nonconforming structures within coastal high-hazard areas and structures ordered to be demolished or deemed

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

unsafe by local building officials pose an increased risk of collapse, may affect the integrity or stability of neighboring buildings or structures, and may cause injury to persons or property, and

WHEREAS, local governmental laws, procedures, and policies that prohibit or limit the demolition of nonconforming or unsafe structures or limit the construction of new resilient structures pose a threat to life and public safety, and

WHEREAS, on properties where there is a nonconforming structure within a coastal high-hazard area, a structure that has been deemed unsafe by a local building official, or a structure that is subject to a demolition order, such structure must be authorized to be demolished and any replacement structure authorized which allows owners or developers to enjoy all land use and development rights that would apply to the property without regard to any local restrictions that may restrict future development at the subject property as a result of the local building official's order or demolition, and

WHEREAS, to make the application and enforcement of this act uniform throughout this state, the Legislature intends to preempt the regulation of the demolition of certain structures and buildings to the state, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 553.8991, Florida Statutes, is created to read:

553.8991 Resiliency and Safe Structures Act.—

(1) SHORT TITLE.—This section may be cited as the "Resiliency and Safe Structures Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Nonconforming structure" means a structure located in a coastal high-hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA) which does not conform to the requirements for new construction issued by the National Flood Insurance Program.

(b) "Replacement structure" means a new structure built on a property where a structure was demolished or will be demolished in accordance with this section.

(3) QUALIFYING STRUCTURES AND BUILDINGS.—This section applies to all of the following structures, unless the structure is individually listed in the National Register of Historic Places or is a single-family home:

(a) Nonconforming structures in coastal high-hazard areas which fail to meet FEMA standards for new construction.

(b) Any structure determined to be unsafe by a local building official.

(c) Any structure ordered to be demolished by a local government that has proper jurisdiction.

(4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local

government may not prohibit, restrict, or prevent the demolition of any structure identified in subsection (3) for any reason, other than public safety.

(5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that the zoning codes and ordinances do not in any way penalize or restrict development rights due or related to the demolition of any structure in accordance with this section, including a requirement for replication of the demolished structure, a limitation on the size or height of the replacement structure, or the maintenance of any of the elements of the demolished structure. Owners or developers of replacement structures are permitted to develop in accordance with all land use, zoning, and other land development rights, whether established by law, ordinance, rule, regulation, policy, development order, or any other act, without regard to any local government restrictions or penalties resulting from the demolition of any structure identified in subsection (3) that may restrict development of a replacement structure as a result of a local government order, a designation, a code enforcement proceeding, or an ordinance.

(6) APPLICATION.—This section applies prospectively and retroactively to any law adopted contrary to this section and its intent.

(7) PREEMPTION.—A municipality, county, special district, or political subdivision may not adopt or apply a law, an ordinance, a rule, a regulation, a policy, a resolution, or any other act that in any way limits the demolition of any structures and buildings identified in subsection (3) or limits the development of any replacement structure in a way that would divest property owners or developers of land use, zoning, or other land development rights for the demolition of any structure in accordance with this section. All laws, ordinances, rules, regulations, policies, resolutions, and other acts of a municipality, county, special district, or political subdivision to the contrary are void.

Section 2. This act shall take effect upon becoming a law.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	CS/SB 1346
INTRODUCER:	Community Affairs Committee and Senator Avila
SUBJECT:	Local Regulation of Nonconforming or Unsafe Structures
DATE:	March 24, 2023 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	**Fav/CS**
2.			EN	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1346 creates the "Resiliency and Safe Structures Act," (Act) providing that a local government may not prohibit, restrict, or prevent the demolition of the following structures for any reason, other than public safety:

- "Nonconforming structures" in coastal high-hazard areas which fail to meet Federal Emergency Management Agency standards for new construction;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill further prohibits a local government from imposing certain limitations or conditions of approval for a replacement structure to be built on the property where a structure was demolished. The replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that such zoning codes do not penalize or restrict development rights due to the demolition of any structure in accordance with the Act, including a limitation on the size or height of the replacement structure or a requirement for the replication of a demolished structure or maintenance of any of the structure's elements.

The provisions of the bill do not apply to structures listed in the National Register of Historic Places or single-family homes.

The bill takes effect upon becoming a law.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.[2]

The Building Code is updated every three years. The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.[3] The next edition of the Building Code will take effect on December 31, 2023.

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act". The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. [4]

Local Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[5]

Every local government must enforce the Building Code and issue building permits.[6] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[7]

[1] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited March 18, 2023).
[2] *Id.*; DBPR, *Building Code Information System*, available at: https://floridabuilding.org/c/default.aspx# (last visited March 18, 2023).
[3] *Id.*
[4] Section 553.72(1), F.S.
[5] Section 553.72, F.S.
[6] Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[7] Sections 125.56(4)(a), 553.79(1), F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.[8] Construction work may not be done beyond a certain point until it passes an inspection.

Demolition Permits

The Florida Building Codes Act provides that a local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure provided that:[9]

- Such structure is located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA) for the purpose of participating in the National Flood Insurance Program;
- The lowest finished floor elevation of such structure is at or below base flood elevation as established by the Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher; and
- Such permit complies with all applicable Building Code, Fire Prevention Code, and local amendments to such codes.

An application for a demolition permit for such single-family structure may only be reviewed administratively for compliance with the Building Code, Fire Prevention Code, local amendments to such codes, and any regulations applicable to a similarly situated parcel. Such applications may not be subject to any additional local land development regulations or public hearings.[10]

If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure that would not otherwise be applicable to a similarly situated vacant parcel.[11]

However, a local law, ordinance, or regulation may restrict demolition permits for certain designated historic structures:[12]

- Structure designated on the National Register of Historic Places;[13]
- Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or

[8] Section 110 Seventh edition of the Florida Building Code (Building).
[9] Section 553.79(25)(a), F.S.
[10] Section 553.79(25)(b), F.S.
[11] Section 553.79(25)(c), F.S.
[12] Section 553.79(25)(d), F.S.
[13] The National Register of Historic Places is the federal government's official list of historic places in the United States. The National Historic Preservation Act of 1966 authorized the register, which is administered by the National Park Service. In order to be listed on the register the owner of the property must not object. National Park Service, *What is the National Register of Historic Places*, https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm (last visited Mar. 13, 2023); National Park Service, *How to List a Property*, available at https://www.nps.gov/subjects/nationalregister/how-to-list-a-property.htm (last visited Mar. 18, 2023).

- Privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.[14] The NFIP is administered by the Federal Emergency Management Agency (FEMA) and provides homeowners, business owners, and renters in flood-prone areas the ability to purchase flood insurance protection from the federal government.[15] The general purpose of the NFIP is both to offer primary flood insurance to properties with significant flood risk, and to reduce flood risk through the adoption of floodplain management standards. Communities volunteer to participate in the NFIP in order to have access to federal flood insurance, and in return are required to adopt minimum floodplain management standards that are described in FEMA regulations.

Flood Insurance Rate Maps

FEMA develops, in coordination with participating communities, flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain. While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local regulations in order for the map to be effective. An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA). The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a "1 in 100 year flood" or greater frequency. This means that properties in the SFHA have a 1 percent or greater risk of flooding every year and a one-in-four change of flooding during a 30-year mortgage. In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.[16]

Flood maps in coastal areas often show areas of high risk within the coastal SFHA. The coastal SFHA has three flood hazard zones: Zones VE (which are unique to coastal areas), AE and AO:[17]

- Zone VE, also known as a Coastal High Hazard Area, is where wave action and fast-moving water can cause extensive damage during a base flood event.
- Zone AE indicates areas that have at least a 1%-annual-chance of being flooded, but where wave heights are less than 3 feet.
- Zone AO is used to map areas at risk of shallow flooding during a base flood, where water with average depths of 1 to 3 feet flows over sloping ground. On flood maps in coastal communities, Zone AO usually marks areas at risk of flooding from wave overtopping,

[14] FEMA, *50 Years of the NFIP*, available at https://www.fema.gov/sites/default/files/2020-05/NFIP_50th_Final_8.5x11_Regional_Printable.pdf (last visited March 18, 2023).
[15] Benefits.gov, *National Flood Insurance Program (NFIP)*, available at https://www.benefits.gov/benefit/435 (last visited March 10, 2023).
[16] Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation (FDIC) or the Office of the Comptroller of the Currency (OCC).
[17] Features of Flood Insurance Rate Maps in Coastal Areas, FEMA, available at https://www.fema.gov/flood-maps/coastal/insurance-rate-maps (last visited Mar. 19, 2023)

where waves are expected to wash over the crest of a dune or bluff and flow down into the area beyond.

New Construction Requirements in Coastal Flood Hazard Zones

When a community is taking part of the NFIP, FEMA places requirements on any new construction built in flood hazard areas. Generally, new construction in flood-prone areas must be:[18]

- Designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- Constructed with materials resistant to flood damage;
- Constructed by methods and practices that minimize flood damages; and
- Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Specific conditions for new construction in coastal flood hazard zones include requiring all new construction to:[19]

- Be located landward of the reach of mean high tide;
- Be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
- Be elevated on pilings and columns so that the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and
- Have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. Such space may be used only for parking of vehicles, building access, or storage.

Permits for Property with a Historic Designation

Some local governments in Florida have adopted land development regulations that determine certain older single-family buildings to be historic. Some local governments have placed restrictions on property owners from obtaining permits for the demolition of the older single-family buildings that the local governments have deemed historic. Below are examples of such regulations:

- Requiring a special demolition permit.[20]
- Requiring new construction on the site of the demolished structure to be subject to certain architectural regulations, related to:[21]
  - The colors, pattern, and trim used in the building's façade.

[18] 44 C.F.R. § 60.3(a)(3)
[19] 44 C.F.R. § 60.3(e)(3)-(5)
[20] Sec. 54-71., Town of Palm Beach Code of Ordinances.
[21] Sec. 54-122., Town of Palm Beach Code of Ordinances.

- The design of the roof.
- The proportions and relationships between doors and windows.

III. Effect of Proposed Changes:

The bill creates s. 553.8991, F.S., titled the "Resiliency and Safe Structures Act," (Act) to provide that a local government may not prohibit, restrict, or prevent the demolition of the following structures for any reason, other than public safety:

- "Nonconforming structures" in coastal high-hazard areas which fail to meet FEMA standards for new construction;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill further prohibits a local government from imposing certain limitations or conditions of approval for a "replacement structure" to be built on the property where a structure was demolished. The replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that such zoning codes do not penalize or restrict development rights due to the demolition of any structure in accordance with the Act, including a limitation on the size or height of the replacement structure or a requirement for the replication of a demolished structure or maintenance of any of the structure's elements.

Owners or developers of replacement structures are entitled to enjoy all land use, zoning, and other land development rights without regard to a local government restrictions or penalties resulting from the demolition of a structure.

The bill defines:

- "Nonconforming structure" as a structure located in a coastal high-hazard area according to a Flood Insurance Rate Map issued by the FEMA which does not conform to the requirements for new construction issued by the National Flood Insurance Program; and
- "Replacement structure" as a new development that occurs on a property where a nonconforming structure in a coastal high-hazard area was located or where a structure has been ordered to be demolished, has been demolished, or has been deemed unsafe by the local building official.

The provisions of the bill do not apply to structures listed in the National Register of Historic Places or single-family homes.

Finally, the bill provides a that a municipality, county, special district, or political subdivision may not adopt or apply a law, an ordinance, a rule, a regulation, a policy, a resolution, or any other act that in any way limits the demolition of structures and buildings to which the Act is applicable or limits the development of a replacement structure in a way that would divest property owners or developers of land use, zoning, or other land development rights for demolishing a structure in accordance with the bill. All laws, ordinances, rules, regulations, policies, resolutions, and other acts of a municipality, county, special district, or political subdivision to the contrary are void.

The Act applies prospectively and retroactively to any law adopted contrary to the bill and its intent.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may allow more structures to be demolished and new structures to be built in their places, which would increase construction and development.

C. Government Sector Impact:

Local governments may have to expend funds to process a possible increase in demolition permits. However, local governments may collect fees to cover the cost of their expenses to enforce the Building Code, which includes reviewing building permit applications.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 553.8991 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 22, 2023:
The CS removes section 1 of the bill, which amends current law pertaining to demolition permits for single family homes to include nonconforming structures in certain flood areas.

The CS also specifically excludes single-family homes and structures listed in the National Register of Historic Places from the Resiliency and Safe Structures Act.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

RESOLUTION NO. 039-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, OPPOSING AND URGING THE FLORIDA LEGISLATURE NOT TO ADOPT HOUSE BILL 1317 AND COMPANION SENATE BILL 1346, WHICH WOULD PREEMPT THE TOWN'S AUTHORITY TO ENFORCE MAJOR PROVISIONS OF ITS HISTORIC PRESERVATION ORDINANCE AND UNDERMINE PROTECTIONS FOR LOCALLY DESIGNATED HISTORIC BUILDINGS AND STRUCTURES; ADDING THIS MATTER TO THE TOWN'S LIST OF LEGISLATIVE PRIORITIES FOR THE 2023 FLORIDA LEGISLATIVE SESSION; AND DIRECTING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO THE BILL SPONSORS, THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE, AND THE PALM BEACH COUNTY DELEGATION.

WHEREAS, about 390 Town of Palm Beach historic buildings and structures are currently protected under the Town's Historic Preservation regulations; and

WHEREAS, the Town's Historic Preservation Ordinance establishes robust protections for the Town's historic architecture, which protections are contained within the Town Code of Ordinances; and

WHEREAS, House Bill 1317, and companion Senate Bill 1346 (the "Bills"), were introduced during the 2023 Session of the Florida Legislature; and

WHEREAS, the Bills would preempt the Town's authority to protect historic buildings from demolition, even if a building is structurally sound or actively used, and even if the building has no violations under the Florida Building Code; and

WHEREAS, the Bills would prohibit the Town of Palm Beach, and any other local government in Florida, from restricting the demolition of any building which the Bills identify as a "nonconforming structure"; and

WHEREAS, the Bills would also preempt the Town's ability to place conditions relative to design, height, and square footage on replacement construction, when a historic building is demolished; and

WHEREAS, these preemptions would result in incompatible development, out of scale and character with surrounding properties and negatively impacting property values; and

WHEREAS, the Bills would encourage and incentivize demolition and demolition by neglect of historic properties, resulting in vacant, derelict structures; and

WHEREAS, the loss of historic buildings would irreparably harm the cultural and architectural identity of the Town, resulting in a decrease of the Town's heritage and existing culture, which would negatively impact the local economy.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA,

That the Mayor and Town Council hereby strongly oppose and urge the Florida Legislature not to adopt House Bill 1317 and companion Senate Bill 1346, which would preempt the Town's authority to enforce major provisions of its Historic Preservation Ordinance and undermine protections for locally designated historic buildings and structures; to add this matter to the Town's list of legislative priorities for the 2023 Florida Legislative Session; and to direct the Town Clerk to transmit this Resolution to the bill sponsors, the Speaker of the House and President of the Senate, and the Palm Beach County Delegation.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____day of_____, 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

_____
Bobbie Lindsay, Town Council Member

ATTEST:

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Ordinances - Second Reading

Agenda Title
Proposed Ordinance to Amend the Town's Budgets

ORDINANCE NO. 001-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.

Presenter
Robert Miracle, Deputy Town Manager, Finance & Administration

ATTACHMENTS:

- **Ordinance No. 001-2023**
- **Attachment A**

ORDINANCE NO. 001-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2022; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2023; and

WHEREAS, the budget amendment is necessary for the General Fund; and

WHEREAS, said budget amendments are required to be approved by ordinance.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The General Fund budgets for the fiscal year commencing October 1, 2022, is hereby amended, and adopted pursuant to Exhibits "A" attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of the Palm Beach on first reading this 14th day of March, 2023, and for second and final reading on this 3rd day of April, 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Bobbie Lindsay, Town Council Member

_____
Kelly Churney, Acting Town Clerk

_____
Margaret A. Zeidman, Town Council Member

Exhibit A

Town of Palm Beach, Florida
General Fund
Budget Amendment

	Budget FY2022	Budget FY2023	Ordinance No. 001-2023 Amendment	FY2023 Amended Budget
Revenues				
Ad Valorem Taxes	$59,663,700	$62,919,808		$62,919,808
Non Ad Valorem Taxes	6,710,500	6,672,100		$6,672,100
Licenses & Permits	4,419,233	5,054,400		$5,054,400
Intergovernmental	1,121,700	1,181,000		$1,181,000
Charges for Services	6,172,500	7,823,200		$7,823,200
Fines and Forfeitures	1,025,500	943,200		$943,200
Investment Earnings	359,811	235,000		$235,000
Miscellaneous Revenues	499,500	290,700		$290,700
Interfund Transfers	536,665	645,465		$645,465
Transfer From Fund Balance	5,431,464	3,429,500	605,000	$4,034,500
Transfer from Building Fund	3,200,000	5,519,456		$5,519,456
Total Revenues	**$89,140,573**	**$94,713,829**	**$605,000**	**$95,318,829**
Expenditures				
Department				
Legislative	$152,500	$152,500		$152,500
General Government	1,004,050	1,029,904		$1,029,904
Town Manager	947,587	1,102,989		$1,102,989
Town Clerk	357,145	448,522		$448,522
Advice and Litigation	365,000	365,000		$365,000
Human Resources	729,523	849,784		$849,784
Information Systems	3,072,318	3,846,137		$3,846,137
Finance	1,865,675	2,002,342		$2,002,342
Recreation and Tennis	2,049,732	2,268,079		$2,268,079
Planning/Building/Zoning	1,579,265	1,806,275	$605,000	$2,411,275
Library	363,230	374,127		$374,127
Fire-Rescue	15,346,841	16,205,680		$16,205,680
Police	16,877,684	18,525,478		$18,525,478
Public Works	16,700,542	19,104,155		$19,104,155
Contingency	600,000	600,000		$600,000
Transfer to Other Funds				$0
Transfer to CIP	8,428,200	6,871,020		$6,871,020
Transfer to Coastal	4,920,310	5,264,732		$5,264,732
Transfer to UU Fund	176,550	191,116		$191,116
Transfer to Debt Service	5,676,719	5,680,666		$5,680,666
Transfer to Risk Fund	2,173,487	2,274,106		$2,274,106
Transfer to OPEB Trust Fund	334,215	331,217		$331,217
Extraordinary Transfer to Retirement Fund	5,420,000	5,420,000		$5,420,000
Total General Fund Expenditures	**$89,140,573**	**$94,713,829**	**$605,000**	**$95,318,829**
Revenues Over/(Under) Expenditures	**$0**	**$0**	**$0**	**$0**

TOWN OF PALM BEACH
Town Council Meeting on: April 3, 2023

Section of Agenda
Ordinances - Second Reading

Agenda Title
Proposed Ordinance to Amend Chapter 70 of the Town Code Relative to the Use of Public Fountains and Public Urination

ORDINANCE NO. 006-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 70 Offenses Of The Town Code Of Ordinances By Adding A New Section 70-6, Prohibited Use Of Public Fountains, Hose Bibs, Sinks, And Showers And A New Section 70-7, Prohibition On Public Urination And Defecation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter
Nicholas Caristo, Chief of Police

ATTACHMENTS:

- **Ordinance No. 006-2023**

ORDINANCE NO. 006-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 70 OFFENSES OF THE TOWN CODE OF ORDINANCES BY ADDING A NEW SECTION 70-6, PROHIBITED USE OF PUBLIC FOUNTAINS, HOSE BIBS, SINKS, AND SHOWERS AND A NEW SECTION 70-7, PROHIBITION ON PUBLIC URINATION AND DEFECATION; 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 THAT CHAPTER 70, "OFFENSES", IS HEREBY AMENDED ADDING SECTIONS 70-6 "PROHIBITED USE OF PUBLIC FOUNTAINS, HOSE BIBS, SINKS AND SHOWERS" AND BY ADDING A NEW SECTION 70-7 "PROHIBITION ON PUBLIC URINATION AND DEFECATION AS SET FORTH BELOW:

Section 1- The following sections 70-6 and 70-7 are hereby added to Chapter 70, Offenses:

Sec. 70-6. Prohibited use of public fountains, hose bibs, sinks, and showers.

No person shall use water from Town owned water fountains, hose bibs, drinking fountains and sinks in restrooms for the purposes of bathing or cleaning persons, animals, or objects. The wash basins provided in public restrooms are intended for hand washing and shall be used consistent with that intent. Bathing is allowed only in shower facilities within the recreation center, or outdoor showers at public beaches as set aside for such purposes, strictly for use by recreation center participants, or beachgoers. Soap, shampoo, or other cleansers may be used at indoor shower facilities only. In no event shall soap, shampoo, or other cleansers be used at outdoor showers, which are for rinsing only.

Sec. 70-7. Prohibition on public urination and defecation.

(a) It shall be unlawful for any person in the Town to urinate or defecate in or on any public place unless such urination or defecation:

(1) Is made into receptacle that has been provided for that purpose;

(2) That receptacle stores or disposes of the wastes in a sanitary manner; and

(3) That receptacle is enclosed from the view of the general public.

(b) It shall be unlawful for any person to dump, throw, discard, place, deposit, spill, leak or otherwise dispose of urine or feces in or on any public place in the Town unless such disposal:

(1) Is made into a receptacle that has been provided for that purpose;

(2) That receptacle stores or disposes of the wastes in a sanitary manner; and

(3) That receptacle is enclosed from the view of the general public.

(c) This section shall not apply to children under six (6) years old, or to persons with impairments who lack the physical or mental ability to control their bodily functions; except that such a person's parent, guardian, or custodian shall be responsible for the immediate cleanup and

sanitary disposal of any waste expelled by the child or person with impairment. Failure of the parent, guardian, or custodian of the child or person with impairment to immediately cleanup and dispose of any waste in a sanitary manner shall constitute a violation of this section.

(d) For purposes of this section, a person with impairment does not include intoxicated individuals or individuals who are impaired due to the taking of illegal substances or substances not legally prescribed to them.

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 14th day of March, 2023, and for second and final reading on this 3rd day of April, 2023.

Danielle H. Moore, Mayor

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

Margaret A. Zeidman, Town Council Member

ATTEST:

Kelly Churney, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 3, 2023

Section of Agenda
Any Other Matters

Agenda Title
Discussion of Noise Ordinance After Certain Hours on Private Property

Presenter
Margaret A. Zeidman, Town Council President

ATTACHMENTS:

- **Town Code of Ordinances Regarding Noise**
- **Town Code of Ordinances Regarding Special Events**
- **Noise Complaint Data**

Town's Code of Ordinances Relating to Noise

Sec. 42-196. - Prohibited noise.
It shall be unlawful for any person to make, continue, or cause to be made or continued:

(1)Any loud or raucous noise;
(2)Any noise that tends to annoy the community or injure the health of the citizens in general; or
(3)Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

Sec. 42-226. - Use of meter authorized.
Measurement of noise may be made with a sound level meter using the A scale (dBA) and/or an octave band (frequency) analyzer meeting the standards prescribed by the American Standards Association. Measurement and recordation of any noise that has the possibility of annoying, disturbing, being injurious or endangering the comfort, repose, health, peace or safety of others shall be measured and recorded at the property line of the private property originating the noise or shall be measured and recorded at the property line of the adjacent private property if the noise is originating from any public road, street or property.

Sec. 42-227. - Geographic sections.
The criteria listed in section 42-226 shall be applicable to the following geographical areas of the town:

(1)Area 1. From the northerly corporate limits southerly to Wells Road. Day – 61 dBA, Night 55 dBA
(2)Area 2. From Wells Road southerly to Worth Avenue. – Day 64 dBA, Night 58 dBA
(3)Area 3. From Worth Avenue southerly to Sloan's Curve. – Day 61 dBA, Night 55 dBA
(4)Area 4. From Sloan's Curve southerly to the southerly corporate limits. – Day 61 dBA, Night 55 dBA

Night as used hereinabove is defined as the hours between 7 pm – 9 am.

Town's Code of Ordinances Relating to Special Events

Sec. 106-256. - Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special event means any meeting, activity, walk/run, or gathering of a group of persons having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.

Noise Complaint Data:

Zones/Area:

1 – northerly corporate limits to southerly to Wells Road.
2 – Wells Road southerly to Worth Ave.
3 - Worth Ave. southerly to Sloan's Curve.
4 - Sloan's Curve southerly to southerly corporate limits.

In 2021:

154 noise complaints from 6 pm – 8:59 am
32 complaints were located in zone 1
122 were located in zones 2 – 4

In 2022:

118 – noise complaints from 6 pm – 8:59 am
22 complaints were located in zone 1
96 complaints were located in zones 2 -4

In 2023:

45 – noise complaints from 6 pm – 8:59 am.
22 complaints were located in zone 1
23 complaints were located in zone 2 – 4.