TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MARCH 19, 2019

9:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. CERTIFICATION OF ELECTION RESULTS

A. RESOLUTION NO. 12-2019 A Resolution of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 12th Day of March, 2019.

Kathleen Dominguez, Town Clerk

VI. SWEARING IN OF ELECTED OFFICIALS

A. A. The Honorable Judge Lisa Small
1. Gail L. Coniglio
2. Danielle Hickox Moore
3. Julie Araskog

(Mayor Becomes the Presiding Officer)

VII. ORGANIZATIONAL ITEMS

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

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

Town Council President

VIII. PRESENTATIONS

A. Presentation by Lisa DeLaRionda, Palm Beach County Public Affairs Director, Regarding the Upcoming Census.

Gail L. Coniglio, Mayor

IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Architectural Commission Applicants.

Kirk W. Blouin, Town Manager

B. Appointments to the Architectural Commission.

Kirk W. Blouin, Town Manager

C. Presentations by Landmarks Preservation Commission Applicants.

Kirk W. Blouin, Town Manager

D. Appointments to the Landmarks Preservation Commission.

Kirk W. Blouin, Town Manager

X. COMMENTS OF MAYOR GAIL L. CONIGLIO

XI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

XII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes.

Kathleen Dominguez, Town Clerk

a. February 13, 2019, Local Planning Agency Meeting Minutes
b. February 13, 2019, Development Review Town Council Meeting Minutes
c. February 14, 2019, Town Council Meeting Minutes
d. February 14, 2019, Special Town Council Meeting Minutes - Closed Door Session

2. Approval of Major Matters Considered by the Architectural Commission at its Meeting of February 27, 2019.

Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 08-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $118,450, to Kimley-Horn for Construction Phase Engineering Services for the E-3, E-4 and G-9 Sanitary Pump Station Rehabilitation Improvement Project, and Establishing a Construction Phase Budget of $118,450, including Contingency.

   Dean Mealy, Purchasing Manager

2. RESOLUTION NO. 11-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related To The Planning, Zoning & Building Department.

   Josh Martin, Director of Planning, Zoning & Building

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

   Dean Mealy, II, Purchasing Manager

4. RESOLUTION NO. 14-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $164,070, to Chen Moore and Associates, for Construction Phase Engineering Services for the Worth Avenue Infrastructure Improvement Project, 400 Block from Cocoanut Row to Peruvian Avenue, and Establishing a Construction Phase Budget of $164,070.

   Dean Mealy, II, Purchasing Manager

XIV. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Landmarks Preservation Commission.

Edward Cooney, Chair

XV. COMMITTEE REPORTS

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

Julie Araskog, Chair

XVI. REGULAR AGENDA

A. Old Business

1. Proposed Palm House Settlement Agreement.

   Cary Glickstein, Receiver

2. Final Report on the Compensation and Benefits Study Prepared by Evergreen Solutions.
   TIME CERTAIN: 11:00 A.M.

   Danielle Olson, Director of Human Resources

3. Town Marina Project Update.

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

4. Town-wide Undergrounding Project:

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

   Steve Stern, Project Manager

5. Coastal Update:

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

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

B. New Business

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

   John C. Randolph, Town Attorney

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

   Kathleen Dominguez, Town Clerk

C. Matters Pulled From Consent Agenda: If needed

XVII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 06-2019 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, by Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

   Kirk W. Blouin, Town Manager

B. First Reading

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

   Josh Martin, Director of Planning, Zoning & Building

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

   Josh Martin, Director of Planning, Zoning and Building

3. ORDINANCE NO. 13-2019 An Ordinance Of The Town Council Of

The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Article X. – On-Street Parking Permits, At Section 134-2296(C) And Section 134-2327(2); Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

XVIII. ANY OTHER MATTERS

XIX. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 12:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

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

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

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS:	Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.
COMMUNICATIONS FROM CITIZENS:	Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.
OTHER AGENDA ITEMS:	Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

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

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Certification of Election Results

Agenda Title
RESOLUTION NO. 12-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 12th Day of March, 2019.

Presenter
Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- **Memorandum dated March 13, 2019, from Kathleen Dominguez, Town Clerk**
- **Resolution No. 12-2019**

TOWN OF PALM BEACH
Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Kathleen Dominguez, Town Clerk

Re: Certification of March 12, 2019, General Election Results
Resolution No. 12-2019

Date: March 13, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 12-2019, declaring the results of the March 12, 2019, Town of Palm Beach General Election.

GENERAL INFORMATION

On January 8, 2019, the Town of Palm Beach held its 107th Town Caucus for the purpose of nominating candidates for the Offices of Mayor and Town Council Groups 1 and 2. There being only one nomination for Mayor, candidate Gail L.Coniglio was declared unopposed and to be elected to the office of Mayor, effective as of the date of the general election, March 12, 2019. There being only one nomination for Council Member Group 1, candidate Danielle H. Moore, was declared unopposed and to be elected to the Office of Town Council Member Group 1, effective as of the date of the general election, March 12, 2019. Two nominations were received for Council Member Group 2, those being Julie Araskog and Rene Silvin.

On March 12, 2019, the Town of Palm Beach held a general election for the purpose of electing candidates for the contested office of Town Council Member Group 2. After the closing of the polls, the votes were tabulated as provided by law, and the Palm Beach County Supervisor of Elections has made her certified return to the Town Council, which is included herein. Pursuant to Section 34-121 of the Town Code, at the first regular meeting of the Town Council following the election, the Town Council shall declare the results thereof as certified by the Palm Beach County Supervisor of Elections and the successful candidate shall be sworn in and take office at such meeting.

TOWN ATTORNEY REVIEW

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

Attachments

KD

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

RESOLUTION NO. 12-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE RESULTS OF THE ELECTION HELD ON THE 12TH DAY OF MARCH, 2019.

WHEREAS, the following incumbents Mayor GAIL L. CONIGLIO, and Council Member DANIELLE H. MOORE, Group 1, were duly nominated at the regular and duly called Caucus of the voters of the Town of Palm Beach, Florida, held on January 8, 2019 and were unopposed; and

WHEREAS, on the 12th day of March, 2019, there was held an election in the Town of Palm Beach, Palm Beach County, Florida, between the hours of 7:00 A.M. and 7:00 P.M., wherein the following names were submitted to the qualified electors of the Town of Palm Beach for the Election of Town Council Persons - Group 2, for the term of two years:

TOWN COUNCIL PERSON - GROUP 2

JULIE ARASKOG
RENE SILVIN

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

WHEREAS, on the 12th day of March, 2019, the Precinct Clerks, Deputies, and Inspectors of said Election, after taking and subscribing their oaths in accordance with law, did conduct said Election on said date; and

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

TOWN COUNCIL PERSON - GROUP 2

JULIE ARASKOG	1,640 votes
RENE SILVIN	1,061 votes

1,902 VOTES WERE CAST BY THE USE OF OPTICAL SCAN VOTING MACHINES, 799 VOTES WERE CAST BY ABSENTEE BALLOT, AND 4 VOTES WERE CAST BY PROVISIONAL BALLOTS, FOR A TOTAL OF 2,705 VOTES CAST IN THE TOWN OF PALM BEACH.

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

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

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

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

MAYOR

GAIL L. CONIGLIO

TOWN COUNCIL PERSON – GROUP 1

DANIELLE H. MOORE

TOWN COUNCIL PERSON - GROUP 2

JULIE K. ARASKOG

The terms of office of the elected officials referenced above shall begin from the first regular meeting of the Town Council following March 12, 2019, and shall run for a period of two years until a date subsequent to the election upon which they or their successor are sworn in and take office.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 19th day of March, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Swearing In of Elected Officials

Agenda Title

A. The Honorable Judge Lisa Small
    1. Gail L. Coniglio
    2. Danielle Hickox Moore
    3. Julie Araskog

(Mayor Becomes the Presiding Officer)

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Organizational Items

Agenda Title

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

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

Presenter
Town Council President

ATTACHMENTS:

- **Memorandum dated March 14, 2019, from Kirk Blouin, Town Manager**
- **Ballot for Town Council President**
- **Ballot for Town Council President Pro Tem**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Town Council

From: Kirk W. Blouin, Town Manager

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

Date: March 14, 2019

GENERAL INFORMATION

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

If any of you wish to have your name removed from either ballot, please advise Kathleen Dominguez by 12:00 p.m. on Monday, March 18, 2019.

Attachments

KWB

cc: Gail L. Coniglio, Mayor

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING MARCH 19, 2019

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

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

Julie Araskog

Lewis S. W. Crampton

Bobbie Lindsay

Danielle Hickox Moore

Margaret A. Zeidman

Signature of Town Council Member: _____

DRAFT

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

TOWN COUNCIL MEETING MARCH 19, 2019

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

Position to be filled - **Town Council President <u>Pro Tem</u>**

Julie Araskog

Lew Crampton

Bobbie Lindsay

Danielle Hickox Moore

Margaret A. Zeidman

DRAFT

Signature of Town Council Member: _____

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Presentations

Agenda Title
Presentation by Lisa DeLaRionda, Palm Beach County Public Affairs Director, Regarding the Upcoming Census.

Presenter
Gail L. Coniglio, Mayor

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by Architectural Commission Applicants.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Architectural Commission.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Memorandum Dated March 11, 2018, from Kathleen Dominguez, Town Clerk**
- **Sample Ballot for Regular Member**
- **Sample Ballot for Alternate Member**
- **Application - Butler**
- **Application - Catlin**
- **Application - Floersheimer**
- **Application - Ives**
- **Application - Shiverick**
- **Application - Small**
- **Application - Sorrel**

TOWN OF PALM BEACH

Information for Town Council Meeting on March 19, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Architectural Commission Appointment of Regular and Alternate Members

DATE: March 11, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Architectural Commission (ARCOM) in order to fill the vacant seats resulting from Katherine Catlin, Betsy Shiverick, Alexander C. Ives, Michael Small and Dan Floersheimer's expired terms. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

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

1) Karen Butler who resides at 389 S. Lake Drive, Palm Beach, FL.
2) Elizabeth Sorrel who resides at 207 Pendleton Avenue, Palm Beach, FL.

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

1) Michael Small who resides at 156 East Inlet Drive, Palm Beach, FL.
2) Alexander Ives who resides at 237 Jamaica Lane, Palm Beach, FL.

The Town Clerk's office has received three applications from **ALTERNATES SEEKING APPOINTMENT FOR A REGULAR MEMBER POSITION** from the following:

1) Daniel Floersheimer who resides at 125 Chateaux Drive, Palm Beach, FL.
2) Katherine Catlin who resides at 265 Fairview Road, Palm Beach, FL.
3) Betsy Shiverick who resides at 670 Island Drive, Palm Beach, FL.

c.c.: Josh Martin, Director of Planning, Zoning and Building

BALLOT FOR APPOINTMENT OF REGULAR MEMBER
TO THE **ARCHITECTURAL COMMISSION**
Town Council Meeting on **March 19, 2019**

Positions to be filled: **__2__ Regular Members**

Please circle __2__ from the list of names appearing below

Regular Members Applying for Reappointment
(Listed alphabetically)

Alexander Ives

Michael Small

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

Katherine Catlin

Daniel Floersheimer

Betsy Shiverick

Others Who Have Submitted Applications
(Listed alphabetically)

Karen Butler

Elizabeth Sorrel

Sample Ballot

Signature of Town Council Member: _____
Town Council Member

BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE **ARCHITECTURAL COMMISSION**
Town Council Meeting on **March 19, 2019**

Positions to be filled: **__3__ Alternate Members**

Please circle __3__ from the list of names appearing below

Alternate Members Applying for Reappointment
(Listed alphabetically)

Daniel Floersheimer

Katherine Catlin

Betsy Shiverick

Others Who Have Submitted Applications
(Listed alphabetically)

Karen Butler

Elizabeth Sorrel

Sample Ballot

Signature of Town Council Member: _____
Town Council Member

TOWN OF PALM BEACH

RECEIVED

MAR 07 2019

TOWN CLERK

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: KAREN BUTLER

Residence Address: 389 S. Lake Dr. Palm Beach, FL 33480

Mailing Address: SAME AS RESIDENCE

Home Telephone: 561-501-5509

E-mail Address: butlerrnj@aol.com

Work Telephone: 312 360-8710

I am a registered voter of the Town of Palm Beach KRB (please initial) P.G.G

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

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)
I would like to serve our TOWN where I have lived seasonally since childhood and as Florida resident for four years. Feel I have much experience and insight to offer. Background includes redevelopige Times Square, NYC as a public official (8.2 billion project, 7 million sq. ft.) preserving 10 Historic Theaters and renovating subway stations, to create strong, safe commercial district. Also redeveloped 1,100 acre former Navy Base as $1 billion new community near Chicago (*)

2. How many meetings of the Architectural Commission have you attended in the last year? 3-4 meetings ARCOM, 3-4 meetings P+Z.

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. Appointed by Manhattan Borough President to Community Board #4 (a zoning review authority); served on Metropolitan Planning Council, Chicago; Served on CANARY WHARF, LONDON Bank restructuring Boards as a Director/Trustee for Chemical Bank; Elected to URBAN LAND INSTITUTE, Urban Mixed Use Committee (National). Multiple ULI Technical Assistance Panels. Also Served on these Boards from 3yrs-12yrs. Charitable Boards.

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

(*) See Resume, biography + drawings attached. Also redeveloped 1 million square-foot shopping malls for a REIT, nationally. Financed and developed $5 Billion in mixed use projects and loans. Reset zoning envelope for Times Square, NY, Glenview, IL and Regional shopping malls on East and West coasts and Hawaii. Have worked with best architects and engineers in U.S and Federal, State + local officials as clients and stakeholders.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain) NONE. HAVE ASSISTED PALM BEACH TOWN COUNCIL (DOWNTOWN, PRO BONO) WITH RETAIL DISTRICT IMPROVEMENT MATTERS, AS REQUESTED BY COUNCIL MEMBER MAGGIE ZEIDMAN. RECOMMENDED MORE EVENTS, STREET CLOSURES FOR FESTIVALS, VALET PARKING ON WORTH AVE., SCREENED PARKING DECK ON HIBISCUS LOT, NEW MEDIA/RETAIL, MORE RESTAURANTS AND OTHER IDEAS.

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

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

7. Present occupation. Own Real Estate Development and Finance Advisory Practice No. of years. 8

Employer. Great Harbor Advisors LLC

8. Past occupation(s). Real Estate Developer, Advisor and former Banker No. of years. 30+ (Present)

Employer(s). FORTUNE 500 companies: JLL, GGP/Brookfield, Chemical, BNY Mellon). Also N.Y. State Urban Development Corp.

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No

If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- [ ] Architecture
- [x] Landscape Architecture/Design
- [x] Architectural History
- [ ] ART History + ART
- [ ] Design
- [x] Building Construction / Project Management

11. Please provide details regarding your educational background.

SMITH COLLEGE, NORTHAMPTON, MA for B.A. Study included courses in Architectural History, Art History, Art: Drawing, Painting. Courses in construction and Project Management. Guest lecturer on Real Estate Development and Finance at Northwestern U., University of Chicago and DePaul University (MBA Programs)

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary) Have entitled/zoned property (mixed uses) and financed projects in more than 30 states. Have advised Governors, Mayors, Town Councils, Federal Govt. on their most challenging projects. Have collaborated with all stakeholders and lead teams to success. Possess strong leadership, management, creative and problem solving skills. Have given direction to and learned from some of the best architects and engineers in U.S. (SOM; Gensler; Cooper Robertson; Ehrenkrantz, Eckstut + Kuhn, HOK) on more than $3 billion in real estate development and redevelopment projects. Preserved Historic Structures + deployed green improvements, best practices. Care deeply about design + people involved and creating great places.

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

Family Member Name	Relationship	Address	Occupation	Employer
GRACE MARTIN	MOTHER	389 South Lake Dr., Palm Beach, FL 33480		

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

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

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

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

☒ Yes ☐ No

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

RACE

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

GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____ DATE: 3/6/19

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

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

BIOGRAPHY



Karen S. Butler

Managing Member

Great Harbor Advisors LLC

Current Responsibilities

Karen Butler, Managing Member of Great Harbor Advisors LLC in Palm Beach, FL, focuses on business development and service delivery for the firm's clients. Ms. Butler is a real estate developer and financier who has closed more than $5 billion in real estate transactions during her career. She has led teams on large and mid-sized development and redevelopment projects, bank group loan restructurings, TIF (Tax Increment Finance) transactions, and project financings for both public and private sector clients.

Experience

Karen has extensive experience in the acquisition, financing, and development of real estate, particularly in managing complex credits, lending, workouts, liquidations, underwriting, and project management. She served most recently as Managing Director at Jones Lang LaSalle. A former banker (Chemical and Bank of New York), public official (Times Square Redevelopment Corporation, a subsidiary of the NY State Urban Development Corporation) and real estate developer (General Growth Properties and Mesirow Stein Real Estate in Chicago), Karen has financed all property types and restructured companies in or near bankruptcy. She has also served as a project manager for the $2 billion redevelopment of Times Square totaling 7 million square feet, team leader for regional shopping mall redevelopments on both the east and west coasts and as development advisor for the $1 billion redevelopment of the former Glenview Naval Air Station, (The Glen in Glenview, IL), an award winning New Community totaling 5 million square feet on Chicago's North Shore.

Education and Affiliations

Karen's professional affiliations include the Urban Land Institute (ULI), American Bankers Association, International Council of Shopping Centers (ICSC), Real Estate Board of New York, Metropolitan Planning Council of Chicago, and the Association for a Better New York. She is a frequent guest lecturer in venues such as the Office of the Secretary of Defense, the Association of Defense Communities (formerly NAID and now ADC), ULI, ICSC and several university business schools. She graduated from Smith College with a Bachelor of Arts degree.

Great Harbor Advisors LLC
389 South Lake Drive
Palm Beach, FL 33480

P: 561.507.5509
C: 312.560.8710

KAREN S. BUTLER
389 South Lake Drive
Palm Beach, FL 33480
Home: (561) 507-5509
Cell: (312) 560-8710
butlermj@aol.com

SUMMARY

Real estate and finance executive with international Fortune 500 and domestic companies with high level accountability for business development, real estate development, service delivery, and profitability. Extensive experience in the acquisition, financing, development and sale of commercial and residential real estate. Demonstrated ability to develop strategies for and manage diversified portfolios of properties and loans, plus land development and commercial multi-million dollar redevelopment projects (Times Square New York-$2 billion; Glenview Naval Station-$1 billion.) Background also includes managing complex credits, lending, workouts, liquidations, underwriting, and project management.

PROFESSIONAL EXPERIENCE

GREAT HARBOR ADVISORS LLC, CHICAGO, IL AND PALM BEACH, FL **2011 to Present**

Managing Member

Formed this consulting firm to advise private and public sector clients on their real estate in the Midwest and domestically. Advise clients on real estate finance, asset management and development, asset repositioning, acquisitions, dispositions, joint-venture structuring, loan restructurings, tax increment finance and creation of strategies for assets and portfolios. Assignments include mixed-use properties, residential, retail and land assets.

JONES LANG LASALLE (JLL), CHICAGO, IL **2009 - 2010**

Managing Director

Responsible for business development and execution in the Public Institutions Group of JLL, to expand advisory assignments in the Midwest Region and domestically.

- Developed a pipeline of potential advisory assignments with fees in excess of $3 MM.
- Advised the FDIC on the sale of a $300 mm land portfolio in 15 states, with approximately 200 assets.
- Expanded the Public Institutions Group's network of contacts in the Midwest Region and domestically plus advised senior management on strategies for growth of new business development in the State and Local Markets.
- Executed an advisory assignment for the Metropolitan Pier and Exposition Authority (MPEA) of Chicago, including leasing and repositioning of its retail space at Navy Pier.
- Conducted study of mixed use redevelopment and financing options for the landmark 500 MSF Chicago Union Station owned by AMTRAK including the Great Hall and Head House.
- Mentored and trained Analysts, Associates and Vice Presidents in development and execution of advisory assignments.

GENERAL GROWTH PROPERTIES (GGP), CHICAGO, IL **2002 - 2008**

Senior Director Development and Finance

Senior Director Development

Joined the Western Region Development Group of GGP, a REIT based in Chicago responsible for a portfolio of 2-13 regional malls. Managed multi-disciplinary teams for each project, including redevelopments and the Public Finance Program.

- Redeveloped Clackamas Town Center, Portland Oregon, adding 250 net MSF in three open-air villages, renovating the mall interior and bringing Light Rail (Tri-Met, Portland) to this 1.3mm s.f. regional mall.

- Executed $144 mm Clackamas project with Tax Increment Finance proceeds (TIF) representing 19% of total project cost.
- Redeveloped 1.1MM s.f. Galleria at Tyler Mall, Riverside, CA with TIF proceeds (23% of $91mm total project cost), expanding mall with a 135 MSF entertainment center and elevating an existing parking deck.
- Both Clackamas and Tyler TIF transactions were structured similar to construction loans, with Clackamas County, OR funding of $27MM cash and Riverside, CA funding of $21MM AAA-rated revenue bonds.
- Leased two theater complexes (AMC and Century) totaling 165 MSF.
- Launched and responsible for GGP's Public Finance Program nationally, a $500MM - $1B capital-raising program for development projects and green operating improvements.

MESIROW FINANCIAL (MF), CHICAGO, IL **1995 - 2002**

Managing Director, Senior Vice President, Vice President – Mesirow Stein Real Estate, Inc.

Joined MF to lead a team of twelve private and public sector professionals as Development Advisor to the Village of Glenview, IL in redeveloping Glenview Naval Air Station (GNAS) a $1B, 1,100-acre new community.

Created and implemented a land development company for redeveloping GNAS. Selected private sector staff, established corporate governance and all policies and procedures to manage a multi-disciplinary team to acquire and develop this 1,100-acre site, located 18 miles north of Chicago.

- Acquired the land from the U.S. government at no cost. Led the creation of a master plan designed by Skidmore, Owings and Merrill with input from private developers, community groups and private citizens. Pre-marketed the property to local and national developers and REITS.
- Developed proformas and financial reporting procedures and established a Tax Increment Finance District to finance $150MM of infrastructure improvements, plus other costs totaling $450MM.
- Produced a Request for Proposals package inviting private developers to bid. Received 57 bids on 700 developable acres, with multiple bids on each of 21 mixed-use parcels in July 1998.
- Established a Transaction Policy Committee consisting of Village and MF officials to review and approve all transactions pre-qualified purchasers.
- Negotiated and closed the sale on 95% of all parcels. Pre-qualified all purchasers by analyzing their financial capability, designs for GNAS, development expertise and experience.
- Created substantial value that generated approximately $200MM in land sales, $500MM in new property taxes over 20 years and $1B of private investment in this new community including 1,500 dwelling units, 2MM square feet of commercial and retail space and an 18-hole championship golf course. The project also generated 6,000 new jobs.

Additionally, cross-sold investment banking and insurance services on behalf of MF and procured other real estate assignments. Responsible for financing and sale of properties owned, developed or acquired by MF.

CHEMICAL BANKING CORPORATION (CBC), NEW YORK, NY **1989 – 1995**

Vice President – Real Estate Finance Group and Banking and Corporate Finance Group

Transferred to Chemical Securities, Inc. Chicago from New York in July 1994 with responsibility for portfolio management of $750MM in corporate loans. Activities in Chemical Real Estate Finance Group (New York) included:

- Managing complex credits that resulted in $250MM reduced loan loss exposure (cash recoveries).
- Developing strategic workout plans for $1B in commercial real estate loans.
- Implementing directly or with bank creditor groups recapitalization or liquidation programs.
- Liquidation of assets in CB.REEF, a direct investment managed pension fund of CBC. Completed final distribution of proceeds to investors.
- Restructured debt of Olympia & York USA, Canada and Canary Wharf (London); Rockefeller Center Properties, Inc. (a REIT); Gracie Square Hospital; Rowe Development Co., B.F. Saul REIT and Saul Centers, Inc. REIT.
- Evaluated acquisition of CBC headquarters building at 277 Park Avenue and alternatives.

- Trained and developed credit analysts, A.V.P.'s and V.P.'s.

THE BANK OF NEW YORK (BNY), NEW YORK, NY **1984 – 1988**
Vice President, Assistant Vice President and Assistant Treasurer
Served as a team leader for Tri-State Region in the Real Estate Lending Division. Underwrote and managed a $1B mortgage portfolio of commercial, multi-family and mixed-use properties. Responsibilities also included:

- Loan syndications of $500MM.
- Loan restructurings totaling $300MM.
- Completed BNY credit training program while maintaining line responsibilities.

NEW YORK STATE URBAN DEVELOPMENT CORPORATION (UDC), NEW YORK, NY **1979 - 1984**
Project Manager, Assistant Vice President, Assistant Public Information Officer
Project manager of $2B Times Square Redevelopment Corp. (UDC Subsidiary). Assisted in structuring the Request for Proposals for development of 13-acre site around Times Square to contain 7MM square feet of mixed-use development. Created redevelopment plan, tax-based financing structure and land condemnation/tenant relocation program for 80 parcels. Conducted land transfer via ground-lease bid process, analyzed and negotiated bids. Managerial responsibility included supervision of an intradepartmental team as first deputy to the President and Chief Executive Officer.

GOVERNOR HUGH CAREY RE-ELECTION COMMITTEE, NEW YORK, NY **1978 – 1979**
Co-Director Communications

EDUCATION

Bachelor of Arts, Smith College, Northampton, MA

BUSINESS AFFILIATIONS

- Urban Land Institute (ULI)
- International Council of Shopping Centers (ICSC)
- Metropolitan Planning Council, Chicago

AWARDS

- ULI - Top 10 Projects in the Americas, 2007, The Glen, Glenview, IL
- ICSC - Best Mall Expansion, 2008, Clackamas Town Center, Happy Valley, OR

PROFESSIONAL DEVELOPMENT & LICENSES

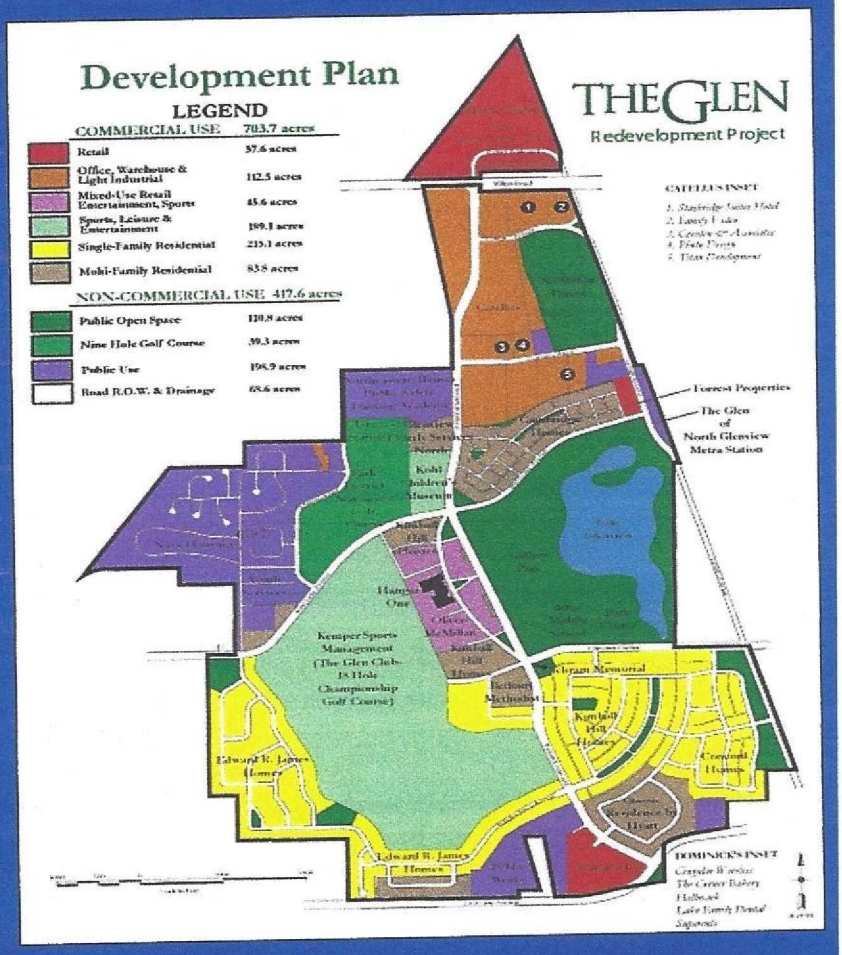
Licensed Real Estate Salesperson, IL 1997 – 2005
General Securities Registered Representative (Series 7) 1994 – 2005
Uniform Securities Agent (Series 63) 1994 – 2005

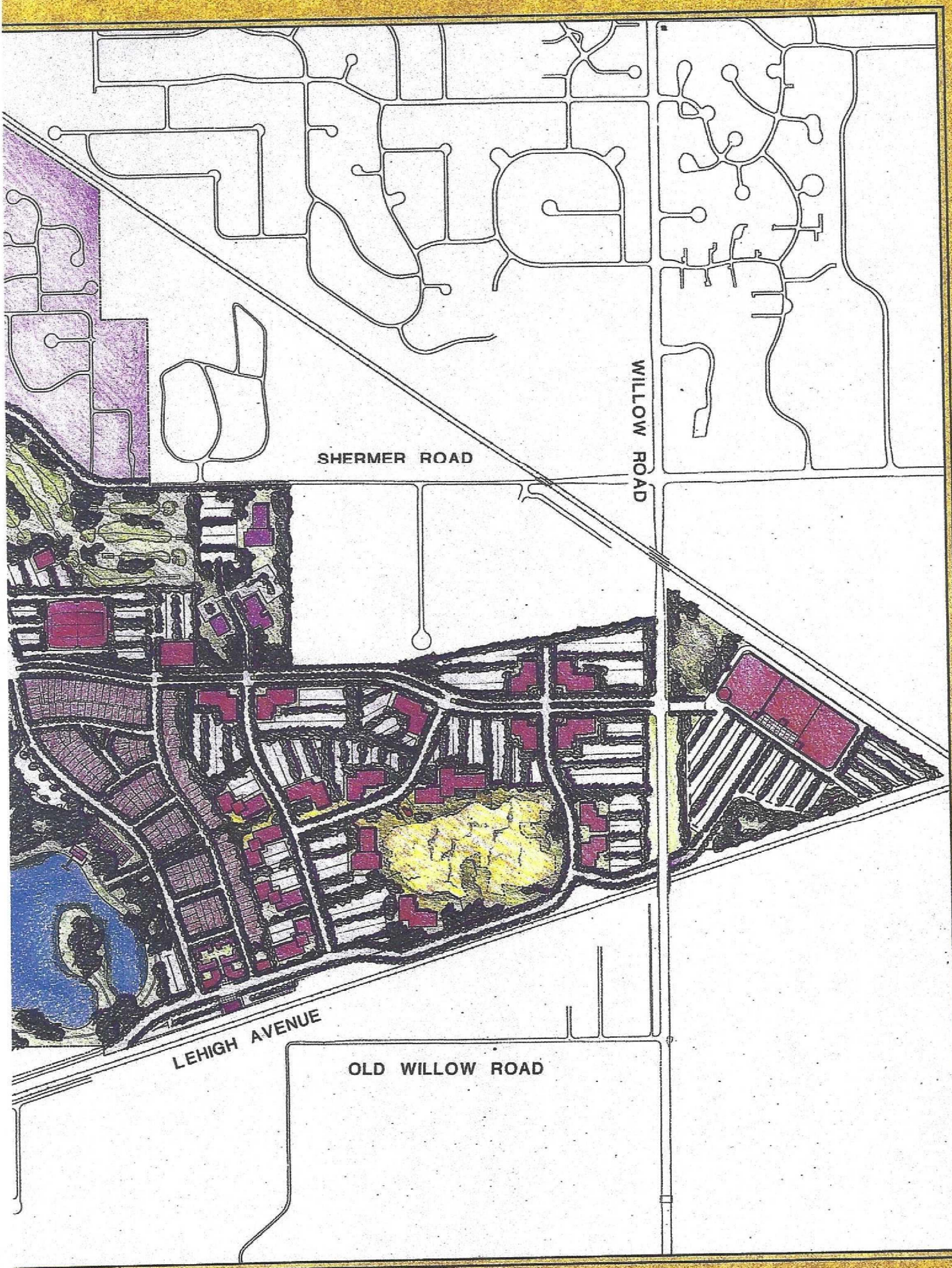
GUEST LECTURER

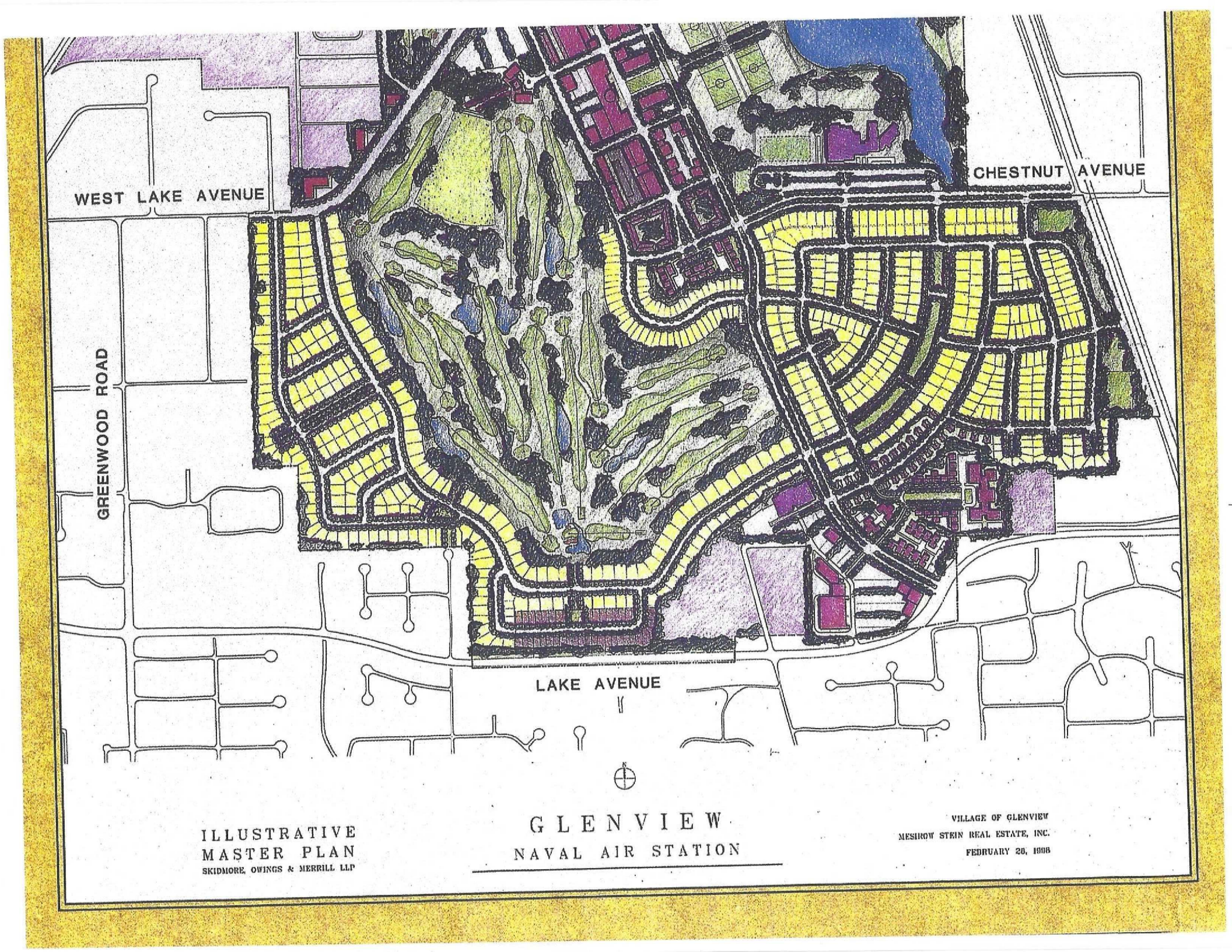
Kellogg Business School, Northwestern University
University of Chicago Graham School
DePaul University Business School
Office of Secretary of Defense
International Economic Development Council

Large Land TIF Case Study
The Glen, Glenview, IL

- City as Master Developer - former Naval Air Base, 1,100 acre site
- 1,500 homes, 1MM s.f. retail, 1MM s.f. office
- Innovative Joint Public/Private Team
- Funded with TIF - $500MM (including $200MM infrastructure – main stem), 4,000 permanent jobs and 5,000 construction jobs created.
- Shortened entitlement process from 12mos. – 3 mos. Changed governance
- Public land sale / Negotiated Bid process




SHERMER ROAD
WILLOW ROAD
LEHIGH AVENUE
OLD WILLOW ROAD

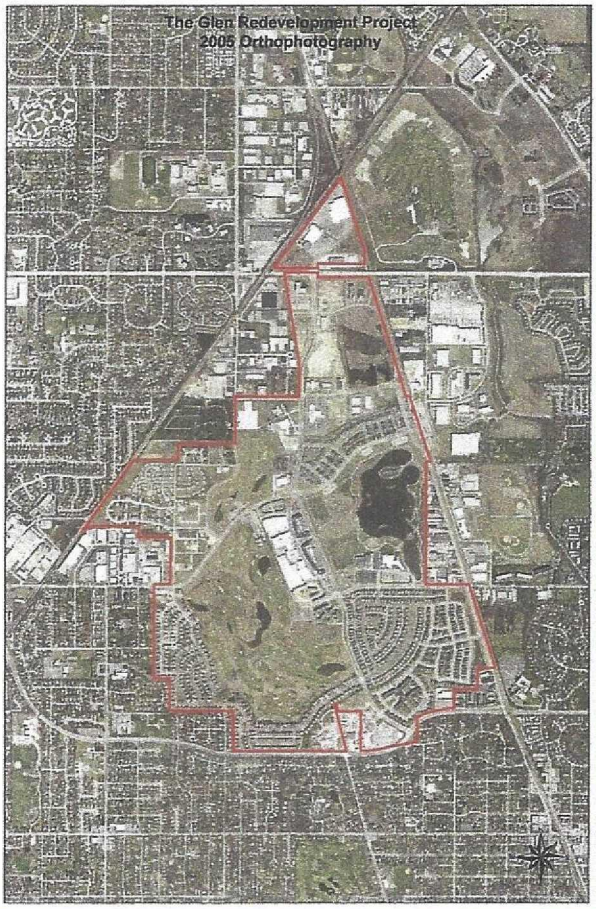


ILLUSTRATIVE
MASTER PLAN
SKIDMORE, OWINGS & MERRILL LLP

GLENVIEW
NAVAL AIR STATION

VILLAGE OF GLENVIEW
MESIROW STEIN REAL ESTATE, INC.
FEBRUARY 25, 1998

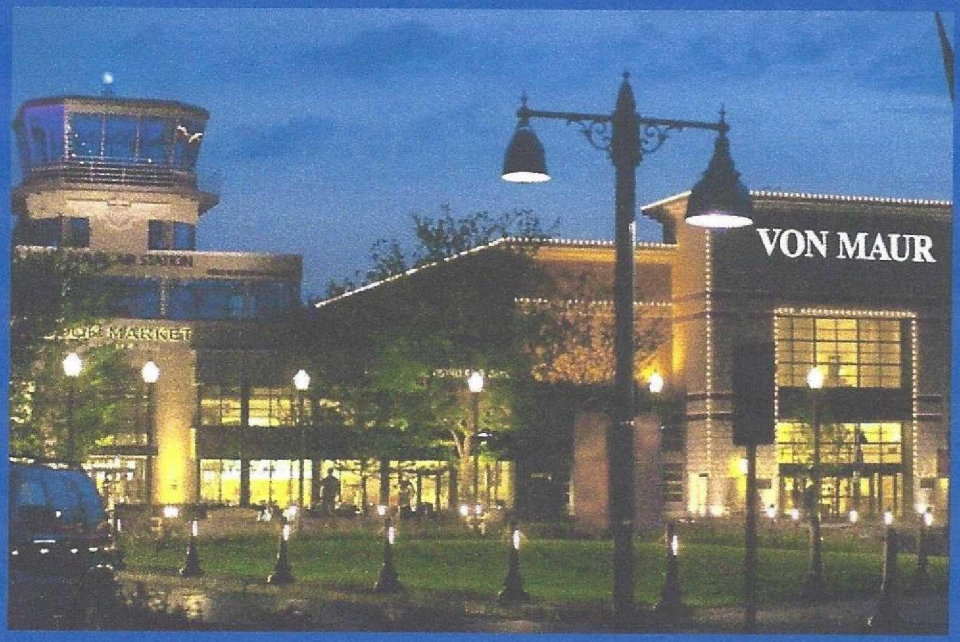
The Glen, Glenview, IL





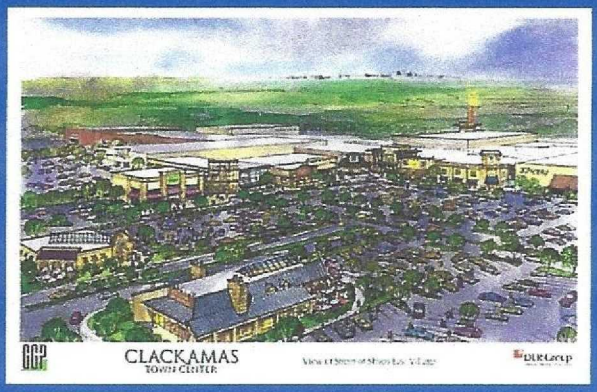
The Glen Town Center
Glenview, IL

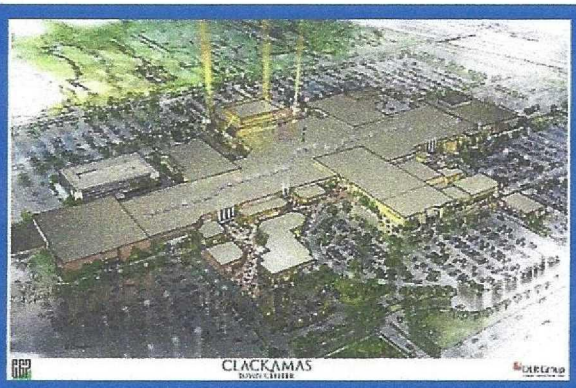
- 425 MSF Retail
  230 Rental Apartments
- $77MM TIF Incentive,
  45% of total cost
- Public Bid with Design Guidelines, Development Agreement, Purchase and Sale Agreement
  18 months to do deal
  3 months to entitle
- Open book negotiations



Deal Terms: Clackamas Town Center, OR (cont'd.)

- Monterey Avenue widening
- Department stores indemnified from extra levy
- $1 MM property taxes on new stores, passed on to mall shops
- Cash or private placement bonds
- Clackamas County funded $26MM out of $143 MM total cost, 18% County share / 82% private developer
- 300 MSF Lifestyle Expansion with 40 new stores incl. 20 screen theater, 600 permanent jobs, 1,650 construction jobs, opened November 2007

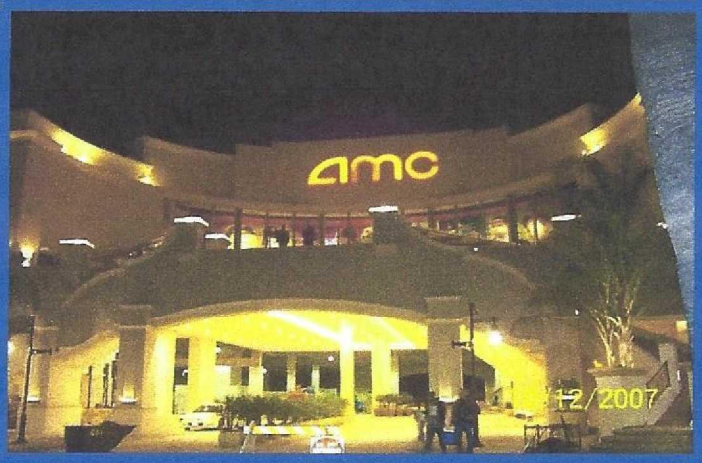




Deal Terms: Galleria at Tyler, Riverside, CA (cont'd)

- Sales growth assumption of 4% – tied to C.P.I., mall averaged 8% over 9 years prior to bond issue
- 30 year Muni Bonds – Tax-Exempt, AAA-rated
- Dept. Stores indemnified against special taxes on expansion – pass on to mall shops
- Sale lease back of public improvements with maintenance – repurchase parking deck in 30 years at FMV (Fair Market Value, per MAI appraisal)

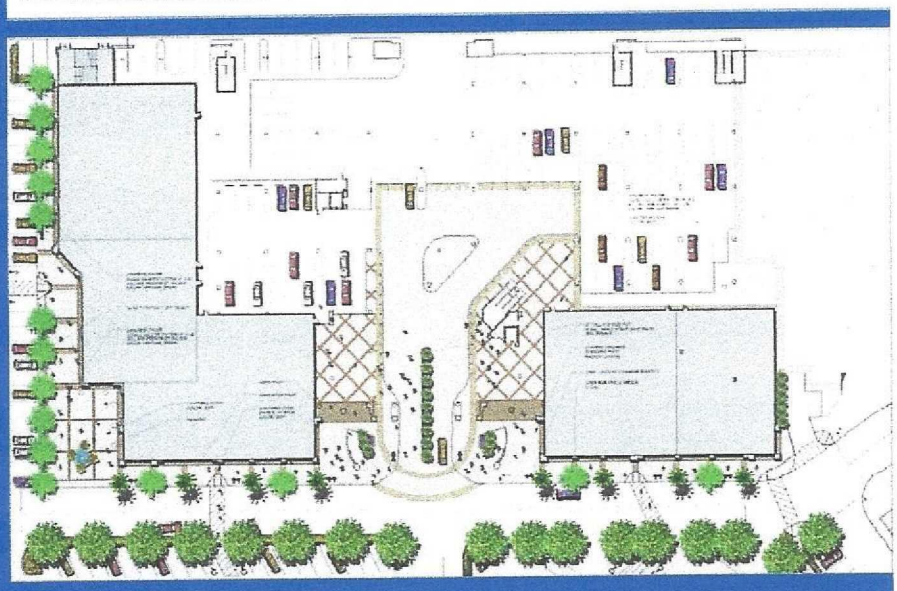




Galleria at Tyler Mall
Results

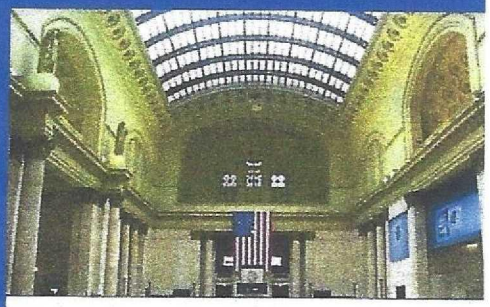
- Raised $21MM 23% of $91 MM total cost (77% Developer share)
- $1MM new taxes annually (80% sales, 20% property)
- 1,340 jobs created:
  340 permanent
  1,000 construction
- "Top 100" AMC 16-screen theater and 6 restaurants
  Opened Dec. 2007

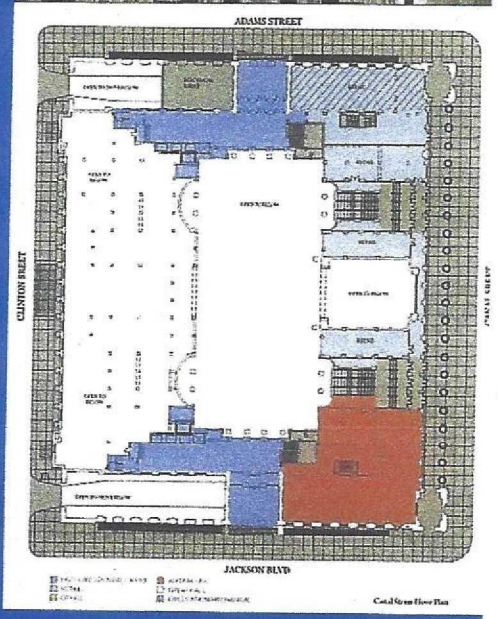




CHICAGO UNION STATION, Chicago, IL:

A Mixed Use Opportunity Requiring Multi-Layered Assistance





- Challenging mixed use rehab studied, opportunities for hotel or rental residential with retail refreshed including new media and new Amtrak offices
- Phase in project over time: focus on street and Great Hall retail plus Head House rehab, add new 500 msf tower as " pop-top" later
- Deploy TIF and Historic Tax Credits for 10-Story, 500 MSF Head House Rehab as Phase 1; then add "pop-top" office tower as Phase 2--at market rates, with or without subsidy
- Results: Stabilize a landmark and create 5,000 construction jobs and 1900 permanent jobs for total project including new office tower

RECEIVED
2019 JAN 22 AM 10:54 TWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: Katherine Catlin

Residence Address: 265 Fairview Rd. Palm Beach Fl 33480

Mailing Address: 265 Fairview Rd. Palm Beach Fl 33480

Home Telephone: 908.2299150

E-mail Address: KTCatlin@hotmail.com

Work Telephone: 908.229.9150

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

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

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

Please see attached

2. How many meetings of the Architectural Commission have you attended in the last year? 100% for last 2 years

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.

ARCOM , 2 years as an Alternate, 100% attendance

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

none known.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

Please see attached

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

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

7. Present occupation. Business Owner No. of years. 1

Employer. KT Consulting & Associates LLC. (Please see note on addendum to application)

8. Past occupation(s). Real Estate Management & Sales No. of years. 30

Employer(s). Various NJ Licensed Brokers

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☑ No

Are you currently a Registered Architect in another state? ☐ Yes ☑ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☑ Architecture
- ☑ Landscape Architecture/Design
- ☑ Architectural History
- ☑ History
- ☑ Design
- ☑ Building Construction

11. Please provide details regarding your educational background.

I have taken extensive courses through, National Association of Home Builders and National Association of Realtors I continue to take course & review articles.

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

Please see attached resume

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

Family Member Name	Relationship	Address	Occupation	Employer
Dr Earl Campazzi	Brother in law	Royal Palm Way	Doctor	self
		W Palm Beach	Doctor	PT for County

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

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

☐ I will resign from the N/A My term on ARCOM is expiring if I am appointed to the position I am seeking in this application.
board/commission/committee

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM 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
☐ Asian American
☐ Hispanic American
☐ Native American
■ Caucasian
☐ 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: Jan 13, 2019

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

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

ARCHITECTURAL COMMISSION (ARCOM)

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ARCOM Application Addendum for Katherine Catlin

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

Architecture and the development of towns in a manner that preserves and enhances the beauty and quality of life is important to Palm Beach as an International Destination. It is the Commissions responsibility to deliver to the residents of Palm Beach buildings and homes that both meet the changing needs of our residents and, respect and retain the history and beauty of the town. I am committed to continuing to using my experiences both industry related and as an Alternate Member of ARCOM to make a difference for the town and its residents in the area of Architectural Design that maintains the integrity of the town and neighborhoods while allowing the residents to meet their needs as it relates to homes and commercial buildings.

As a fulltime resident of Palm Beach, I personally benefited from the rich culture and beauty of the town. I also am acutely aware of the challenges building on a barrier island, with small lots and a desire for increasingly larger homes presents. During my tenure as an Alternate on ARCOM, I have been diligent to insure the projects that come before us are reviewed without prejudice, striking balance in some challenging proposals. I would be honored to continue as a part of the Commission.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

The experience I have in requesting approvals is in New Jersey. I have worked with Attorneys, Architects and developers/ builders to obtain approvals. I have been on the "Review/Approval" side as an Alternate Member of ARCOM for the past 2 years.

11. Please provide details regarding your educational background.

In addition to the 2 years I have served as an Alternate Member of ARCOM, I have extensive training in review and planning of buildings and land as it relates to Real Estate Development and New Construction. Many of the course I have taken are through the National Association of Home Builders. The MIRM Courses referenced on my resume are a series of Master Level courses related to the evaluation and development of real estate. I also hold the CLHMS (certified luxury home marketing specialist) designation and a Guild Member of the Institute for Luxury Home Marketing. My mentors have been some of the industry's top professionals such as Rene Pabon, CEO & President of Childs Dreyfus Group. As a judge for the Greater Atlanta Home Builders awards program numerous times, I have judged multiple categories including Land Use and Development.

ARCOM Application Addendum for Katherine Catlin

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

I currently serve as an Alternate Member of the Architectural Commission. The experience and understanding I have as a result of this experience benefits both the Residents and Town of Palm Beach. My extensive background in the Housing & Construction Industry will support the mission of the commission. I have worked while on ARCOM to insure the projects presented were designed to complement the lot and respect the environmental challenges of that location to the benefit of our residents and business community. Redevelopment is happening in our town, we just have to drive around and look at the number of new homes coming out of the ground. We can have growth and redevelopment while honoring and preserving the beauty and architectural integrity of the town. Doing that, we preserve the unique, intrinsic value of Palm Beach and protect property values for all. The beauty and history of the buildings, both residential and commercial, in Palm Beach must be maintained while simultaneously allowing for the ever-changing needs of our residents.

7. Employment

KT Consulting & Associates LLC has been retained by Gold Coast Builders Association as the Executive Officer. The position is part time and not a conflict of interest. The position and mission of the association is to advocate for the industry and promote education and professionalism in the building industry and trades at a local level. The local jurisdiction is Palm Beach County and the Northern portion of Broward County. Neither my income or position are dependent, based or a result of the individual businesses of members.

Katherine Del Deo Catlin, CLHMS,CMP,CSP,GRI

Experience

Owner KT Consulting & Associates LLC. Palm Beach Fl.
January 1, 2018 to Present
KT consulting and Associates, LLC specializes in marketing strategies, solutions and consultations for Housing Professionals and Property Owners. We create marketing teams and plans for properties not yet on the market, review and identify alternatives to current marketing plans. Properly marketed properties historically sell faster for more money and lower carrying costs.

Director Relocation Services & Global Business Development at Century 21 Worden & Green
October 2004 - November 2017
Century 21 Worden & Green is one of the largest Century 21 franchises in the US with divisions servicing the Residential, Commercial, New Construction & Land and REO areas of Real Estate sales & marketing. Supervise the daily management of Relocation Services and Referral Leads for two (2) offices. Training and development of the agents ,to meet the standards of the Cartus Relocation Network and troubleshooting for problematic transactions.

EO at Metropolitan Builders & Contractors Association of NJ

The Metropolitan Builders & Contractors Association of NJ is a local professional trade organization affiliated with the New Jersey Builders Association (NJBA) and the National Association of Home Builders (NAHB). Responsibilities included running of the daily operations, coordination and involvement with state and national offices, event planning, budgeting, fund raising and oversight of OnSite Magazine among other varied duties.

Katherine Del Deo Catlin, CLHMS,CMP,CSP,GRI

January 2018 – Present

Member Gold Coast Builder Association West Palm Beach Fl

June 2014 – December 2015

Broker Associate/ Regional Manager at Century 21 Worden & Green

October 2004 - May 2014 (9 years 6 months)

Associate Member, Past Associate VP, Metropolitan Builders & Contractors Association of NJ

1989 - Present (30 years)

NJBA Leg Committee at New Jersey Association of Home Builders

2011 - 2015 (4 years)

Member at NJBA / NAHB

1989 - Present (28 years)

Broker of Record / Office Manager at RE/MAX Distinctive Properties

2002 - 2004 (2 years)

Opened office for investors. Duties included design of office, set up of all systems, development of policies & procedures, record keeping and general management, recruiting and training sales people .

Sales & Marketing Director at Pleasant Ridge Estates

January 1997 - May 2002 (5 years 5 months)

Broker/ Sale Associate at Weichert, Realtors

1995 - 2002 (7 years)

Realtor, Broker Associate, Regional New Home Manager at Weichert

1996 - 2001 (5 years)

Katherine Del Deo Catlin, CLHMS,CMP,CSP,GRI

Regional New Homes Manager at Weichert
1995 - 2000 (5 years)

During my tenure at Weichert I held the following positions - Sales Associate, Regional New Homes Manager, New Homes Training Manager and New Homes Site Manager

Sales Agent at Coldwell Banker
1989 - 1995 (6 years)

Group Mgr./Control Mgr. at Macy's
1983 - 1991 (8 years)

KATHERINE DEL DEO CATLIN

EDUCATION & CERTIFICATIONS

Fairleigh Dickinson University; Madison, NJ, BA 1974

Licensed NJ Real Estate Broker 1994
Institute of Residential Marketing (MIRM Candidate)1996
Certified New Homes Sales Professional 1994
Certified New Homes Marketing Professional 2001
Certified Luxury Home Marketing Specialist 2004

Graduate Realtor Institute (GRI) 1994
Continuing Education Over 300 hours

LOCAL, STATE & NATIONAL TRADE AFFILIATIONS

Local Associations:
Hunterdon Somerset Association of Realtors (HSAR)
Metropolitan Builder & Contractors Association
Sales & Marketing Council (CBA)

State Associations:
New Jersey Association of Realtor (NJAR)
New Jersey Builders Association (NJBA)

National Associations:
National Association of Realtors (NAR)
National Association of Home Builders (NAHB)
National Sale & Marketing Council (NSMC) Former Member
Institute for Luxury Home Marketing (CLHM) Former Member

Committees:
NCJAR Board of Trustees 2003 - 2005
NCJAR PAC committee member 2001- 2002
NCJAR PAC Chairperson 2003- 2005
NCJAR Legislative committee member 2001-2004
GRI Instructor 1995 – 1996
NJBA Board of Trustees 2006
CSP Instructor 1995 - 2004
Metro PAC Board of Trustees 1993 – 2014
NAHB/NSMC Publications Committee 2002 –2004
NAHB/NSMC Publications Committee Chairperson 2003
NAHB/NSMC Membership / Local Council Committee 2002

Trade Affiliations Continued....

NJBA PR Committee 2000 – 2004
NJBA Sales & Marketing Committee 1993-96, 2002
NJBA Associate Committee 1993 – 1999
NJBA PAC Auction Committee 2000 - 2006
Musconetcong Watershed 1998 - 2001
Membership Committee Somerset County Board of Realtors (SCBR) 1994
Chairperson and Instructor SCBR Orientation Committee 1994 -1996
Visionary & Strategic Planning Committee (SCBR) 1993
Associate Vice President CBA 1993 & 1994
CBA Tradeshow Chairperson 1998, 2001
CBA PAC Auction Chairperson 1996 & 1999
Chair Person CBA Sales & Marketing Council 1994, 2002

AWARDS

Metro Associate of the Year 2014
NSMC National Membership Recruitment Certificate of Achievement 2001
CBA Membership Recruitment Award 2000
CBA Associate Appreciation Award 2000, 2001
CBA Sales Director of the Year 1998
CBA Special Achievement in New Home Sale 1997
CBA Kathy Hughes Memorial Award, 1995
CBA Million Dollar Sales Club 1993-2001
NJBA Million Dollar Sales Club 1995 - 2001
NJBA Chairman's Award PR Committee 2001
NJBA Associate Hall of Fame 2002
NJAR Million Dollar Sales Club 1992 – 95, 1997 – 2002
NJAR Distinguished Sales Club
Weichert Ambassador Club 1999 – 2001
Weichert Realtors Marketing Club, 1996
Weichert Realtors Sales & Marketing Club, 1997- 2001
Coldwell Banker Million-Dollar Club, 1989-1991
Coldwell Banker Multi-Million Dollar Club, 1992
Coldwell Banker Presidents Circle, 1993
Coldwell Banker New Homes Special Achievement Award 1992 &1993

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

2015 JUN 23 AM 10:09 TWN CLERK

RECEIVED

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: Daniel Floersheimer

Residence Address: 125 Chateaux Drive

Mailing Address: 125 Chateaux Drive

Home Telephone: 561-660-6616

E-mail Address: dan.floersheimer@icloud.com

Work Telephone: _____

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

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

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

see attached

2. How many meetings of the Architectural Commission 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.

see attached

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

none

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

Yes, I had one small project which was approved.

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

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

7. Present occupation. Financial consultant No. of years. 15

Employer. Augmentum Advisors LLC

8. Past occupation(s). Financial advisor No. of years. 20+

Employer(s). Grayson Burger, Oppenheimer, Bear Stearns

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☑ No

Are you currently a Registered Architect in another state? ☐ Yes ☑ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☑ Architecture
- ☐ Landscape Architecture/Design
- ☐ Architectural History
- ☐ History
- ☐ Design
- ☐ Building Construction

11. Please provide details regarding your educational background.

I have studied both draftsmanship and architecture.

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

see attached

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

Family Member Name	Relationship	Address	Occupation	Employer
Beverly	wife	125 Chateaux Dr	retired	na
Andrew	son	125 Chateaux Dr	student	na
B Rothschild	sister	301 Maddock	retired	na
R Rothschild	brother-in-law	301 Maddock	financial adv.	Wells Fargo

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM 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
☐ Asian American
☐ Hispanic American
☐ Native American
■ Caucasian
☐ 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: January 8th, 2019

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

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

Question 1

I have been coming to Palm Beach for over 50 years, and now love living here. I want to help protect and maintain the beauty that draws people to this slice of paradise. Further, I feel that participation on ARCOM is a way in which I can give back to the community.

Question 3

Boards / Commissions / Committees

- ARCOM – Town of Palm Beach – 1 year
- Southampton Commons, Southampton, NY – Board Member 5 years
- Mountain Laurel Homeowners Association, Greenwich, CT – Board Member and Treasurer – 15 years
- University Of California, Los Angeles, CA – Entrepreneurship Endowment Fund – Committee Member 4 years
- University of Richmond, Richmond, VA – Parent Leadership Committee 4 years
- Amherst College, Amherst, MA – Parent Leadership Committee 3 years, Outdoor Art Committee 2 yr.
- Brunswick School, Greenwich, CT – Annual Fund Committee 14 yrs.

Question 12

I have served one year on the ARCOM Commission and have both learned much as well as given thoughtful consideration to the many projects that came before us. A major concern to me has been the building on divided lots and irregular or sized lots. Too often, applicants try to build to the maximum size allowed which often does not fit in with the neighborhood and what is aesthetically pleasing to the eye. Being charged with maintaining the beauty of Palm Beach, I feel it is my responsibility to offer constructive criticism so that these projects in particular are reduced in scale and better fit into their neighborhood.

Question 16

I would accept appointment as an alternate. (Technical glitch with the physically disabled question)

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: Alexander Ives

Residence Address: 237 Jamaica Lane

Mailing Address: 237 Jamaica Lane

Home Telephone: 561-309-1645

E-mail Address: alexives@hotmail.com

Work Telephone: 561-309-1645

I am a registered voter of the Town of Palm Beach ACI (please initial) P.G.G.

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

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)
ARCOM offers a unique opportunity as the place where maintaining the standards of our Town must be matched with a respectfulness towards and willingness to work with property applicants. It is where individual needs are balanced by community wants.

2. How many meetings of the Architectural Commission have you attended in the last year? 12

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.
I have served on ARCOM since 2011. I spent a year on the Flagler Bridge Aesthetics Committee. I served on the Town Centennial Legacy Project Committee. I was also a member of the Royal Poinciana Way Committee.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
none

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

no

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

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

7. Present occupation. please see attached CV No. of years. _____

Employer. _____

8. Past occupation(s). please see attached CV No. of years. _____

Employer(s). _____

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☑ No

Are you currently a Registered Architect in another state? ☐ Yes ☑ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☑ Architectural History
- ☐ History
- ☐ Design
- ☐ Building Construction

11. Please provide details regarding your educational background.

please see attached CV

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

I believe I have served fairly for 8 years on ARCOM.
I hope to continue to contribute to inquiry and problem solving that respects both the rights of the applicant and the community.

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

Family Member Name	Relationship	Address	Occupation	Employer
Carol Ives	Mother	256 Worth Ave.	Manager	Charlotte Kellogg

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM 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
□ Asian American
□ Hispanic American
□ Native American
■ Caucasian
□ 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: March 1, 2019

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

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

ALEXANDER C. IVES
237 Jamaica Lane
Palm Beach, Florida 33480-3321
telephone 561/309-1645
alexives@hotmail.com

Experience:

Consultant
January 2017 to present – Palm Beach, Florida
Offered consulting services for marketing, long-term planning, and general non-profit strategies

Multiple Positions at the Preservation Foundation of Palm Beach
President from October 2014 to June 2016; Executive Director from October 2011 to October 2014; Co-Director from October 2010 to October 2011; Advocacy and Public Affairs Director from October 2009 to October 2010; Communications/Media Director from July 2007 to October 2009 – Palm Beach, Florida
Facilitated a total average annual revenue increase from $1.5 million to $2.3 million; facilitated a membership increase of near 3 times; created an eightfold increase in number of programs offered by the Foundation; advocated and supported for the first landmark district in twenty-five years in Palm Beach; oversaw expansion of archives by tens of thousands of documents, including key building plans of not just historic properties but non-historic; oversaw Education, Gardens, Advocacy, Public Affairs, Administrative and Operations, Budget and Finance, Membership, Communications and Library departments and Dinner Dance Gala event; management and oversight of publications and website, including selection and oversight of outsourcing and redesign of website; coordination of publicity and promotional strategies for advocacy issues and fundraising campaigns; development and monitoring of budgets and production timelines; chose and marketed event speakers; oversaw planning and facilitation of all Foundation events; analyzed findings and recommend appropriate actions to the Chairman and the Board and executed appropriate actions as directed; assisted Chairman and Board with short and long-range planning and development of policies and procedures relating to the Foundation's advocacy in the Town of Palm Beach; identified means of implementing those policies and procedures.

Town of Palm Beach's Architectural Review Commission (ARCOM)
Appointed Member March 2011 to present – Palm Beach, Florida
ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. Members are Town of Palm Beach registered voters appointed by the Town Council on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest.

Freelance Writer
September 2001 to present – Palm Beach, Florida
Wrote and submitted articles, critiques and op-ed pieces; interviewed and researched for stories; made deadlines; etc. for Quest Magazine, Paste Magazine, Industry Magazine, The Palm Beach Daily News, The New Times, et al.; opinions quoted in The New York Times, The Times of London, The Guardian, The Hudson Review, W Magazine.

Part-Time Sales Associate for Ralph Lauren
November 2005 to July 2007 – Palm Beach, Florida
Sold high-end quality products to luxury customers with sales achievement of approximately half a million dollars a year.

Paralegal/Investigator for Criminal Defense Attorney Richard G. Lubin
April 2002 to March 2004, July to August 2004, January to March 2005 – West Palm Beach, Florida
Assisted in development of defense theories and arguments, examination and cross-examination of witnesses, presentation of cases, and writing of motions; researched case law; investigated and analyzed evidence and witnesses; researched and found experts; devised questions, ran, and analyzed polling.

White House Volunteer Corps
June to August 2001 – Washington, D.C.
Handled Presidential correspondence.

Campaigner/Republican Presidential Vote Re-count Observer for George W. Bush for President 2000 Campaign
September to November 2000 – Palm Beach County, Florida
Handled grassroots development, phone banks, election events, got out the vote; checked/challenged ballots in recount.

Intern at U.S. Speaker of the House Newt Gingrich's Political Action Committee GOPAC
September to December 1998 – Washington, D.C.
Worked on media watches/instant response activities during the Impeachment; helped to maintain candidate resource website; assisted in fundraiser; handled general clerical tasks and minor research on redistricting.

Education:
Boston College – Class of 2000
Bachelor of Arts in Political Science; GPA 3.45; Deans List 1997-2000; Recipient of 1998 Gary Brazier Award

Other:
Bath and Tennis Club Restoration Foundation Board member 2012 to present
Palm Beach Illustrated Magazine 2015 Palm Beach Rising listing
Quest Magazine 400 listing - 2010 to present
Young Friends Acquisition Committee for the Norton Museum of Art - 2015 to 2017
Appointee to the Town of Palm Beach's Royal Poinciana Way Committee - 2012 to 2013
Member of The Society of the Four Arts' Contemporaries - 2009 to present
Flagler Bridge Aesthetics Committee - 2008 to 2010
Participant Royal Poinciana Planning study charrettes - 2007
Usher at St. Edward's Catholic Church - 2007 to present
Young Friend of the Norton Museum of Art - 2004 to present
Member of the West Palm Beach Top 100 Young Professionals – 2004 to 2009

Technical sSkills:
Windows, Macintosh, Page Maker, Photoshop, Excel, Internet, html, Facebook, Instagram

RECEIVED
APR 08 2019
TOWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: Betsy Shiverick Residence Address: 670 Island Drive Palm Beach, FL 33480

Mailing Address: P.O. Box 2589 Palm Beach FL 33480 Home Telephone:

E-mail Address: betsyshiverick@gmail.com Work Telephone: (914) 720-7357

I am a registered voter of the Town of Palm Beach ~~ETS~~ (please initial) P.G.G.

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

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)
I've been an alternate member of ARCOM for three years. I'm interested in continuing to contribute to the town and to be a valuable voice on the commission.

2. How many meetings of the Architectural Commission 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.
Fresh Air Fund board - since 2001
Teach For America regional board (2007-2010)
Preservation Foundation executive committee (2017 to present)

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

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

Yes. My husband and I built a home on Everglades Island in 2012. We were approved unanimously at our first presentation.

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

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

7. Present occupation. interior designer No. of years. 16

Employer. self

8. Past occupation(s). currency trader No. of years. 21

Employer(s). Merrill Lynch, Chemical Bank, Union Bank of Switzerland, National Westminster Bank

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☑ No

Are you currently a Registered Architect in another state? ☐ Yes ☑ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☒ Architecture
- ☐ Landscape Architecture/Design
- ☒ Architectural History
- ☒ History
- ☒ Design
- ☐ Building Construction

11. Please provide details regarding your educational background.

I have a BA in history from Mount Holyoke College. I am one course shy of the Basic degree in Interior design from the New York School of Interior Design

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

My special orientations are aesthetics, color, and detail. My experience as an interior designer helps me to identify good taste in design. I'm not afraid to point out the unattractive or unsuccessful elements in each project that I see.

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

Family Member Name	Relationship	Address	Occupation	Employer
Paul Shiverick	husband	670 Island Dr	retired	

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM 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
☐ Asian American
☐ Hispanic American
☐ Native American
☑ Caucasian
☐ Not known

GENDER

☐ Male ☑ Female

PHYSICALLY DISABLED

☐ Yes ☑ No

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

SIGNATURE: _____ DATE: 3/7/19

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

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

ARCHITECTURAL COMMISSION (ARCOM)

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Ann & Michael Small
156 East Inlet Drive
Palm Beach, Florida 33480
561-844-2606

January 23, 2019

Mayor Gail L. Coniglio and Town Council
Town Hall
360 South County Road, 2nd Floor
Palm Beach, FL 33480

HAND DELIVERED

Subject: Re-Appointment as Member to ARCOM

Dear Mayor Coniglio and Town Council Members:

I am currently a member and Vice Chair of ARCOM. I am applying for re-appointment. I was first appointed by the Town Council in 2013 as an alternate and later appointed as a voting member in 2016. I thank the Town Council for my appointment and for the opportunity to serve my fellow residents for the last six years. I have enjoyed and learned from my service, particularly from my fellow commissioners, who are dedicated as am I, to the preservation, protection and enhancement of beauty in the Town. I have learned from our outstanding staff. I have learned from the many excellent professionals who regularly appear before ARCOM each month. I have tried to enhance and enrich my experience and knowledge by regularly attending local architectural and historical programs and lectures. I have also benefited from extensive travel abroad, particularly to Europe over the last 25 years, where my focus is always on experiencing significant architectural and historical sites and structures. All of which enable me to be part of the creative architectural review process.

As my Resume reflects, although I am now retired, I have had 50 years of professional experience in real property, building, planning, zoning, land use, construction and development as an attorney representing local governments and those appearing before local governments; as a Florida licensed Realtor, and as a real estate investor.

Personally, my wife Ann and I have lived at 156 East Inlet Drive in the far north end for the last 48 years, during which we raised our four children and have significantly enlarged and reconstructed our home at least three times, the last of which we were out for over 15 months. As such, I have personally experienced and have an appreciation for the development review, approval and construction process here in the Town. I fully understand and can appreciate the wishes, desires, dreams and expectations that my fellow residents and businesses bring to ARCOM in seeking approval. In response to which, I try to be always prepared, fair, impartial and respectful to all who appear before ARCOM.

All of which, I believe, have made me a more knowledgeable and contributing member. I respectfully request that I be allowed to continue my service and contribution.

Very Truly Yours,

Michael Small

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: Michael B. Small Residence Address: 156 East Inlet Drive, Palm Beach, Fl 33480

Mailing Address: P.O. Box 2375, Palm Beach, Fl 33480 Home Telephone: 561-844-2606

E-mail Address: msmall@smallawpalmbeach.com Work Telephone: 561-385-2401

I am a registered voter of the Town of Palm Beach ____ (please initial) PBS.

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

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

I am the current Vice Chairman of ARCOM and seek, re-appointment. I have enjoyed and learned from my six (6) years of service, 3 as a voting member and 3 as an alternate member. (Please see attached letter)

2. How many meetings of the Architectural Commission 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.

ARCOM (3/13 thru 3/19); PB Long Range Financial Planning; PB Co. Area Planning Board (Please see attached letter)

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

NONE

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

YES (2004 - 2006) (Please see attached letter)

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

- ☑ Palm Beach Chamber of Commerce
- ☑ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Neighborhood Alliance of Palm Beach
- ☑ Other Greater South County Road Association

7. Present occupation. Senior Counsel/Mediator/Arbitrator No. of years. 6

Employer. Michael B. Small, Chartered

8. Past occupation(s). Attorney No. of years. 42

Employer(s). Small & Small, P.A.

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☑ No

Are you currently a Registered Architect in another state? ☐ Yes ☑ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☑ Architecture
- ☐ Landscape Architecture/Design
- ☑ Architectural History
- ☑ History
- ☐ Design
- ☑ Building Construction

11. Please provide details regarding your educational background.

Law Degree/Contractor Licensing Education Courses/Licensed Real Estate Broker Education

Architecture and History Courses, lectures and Presentations

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

(Please see attached letter and resume)

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

Family Member Name	Relationship	Address	Occupation	Employer
Ann Small	Wife	156 East Inlet	N/A	N/A
Lisa Small	Daughter	Courthouse	Circuit Court Judge	State of Florida
Joseph Small	Son	Courthouse	Assistant State Attorney	State of Florida

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

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

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

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

□ Yes ■ No

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

RACE

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

GENDER

■ Male □ Female

PHYSICALLY DISABLED

□ Yes ■ No

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

SIGNATURE: _____ DATE: 01/23/2019

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

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

ARCHITECTURAL COMMISSION (ARCOM)

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PROFESSIONAL RESUME
OF
MICHAEL B. SMALL

NAME:	Michael B. Small
RESIDENCE:	Palm Beach, Florida (1970 to Current)
EDUCATION:	University of Michigan; University of Detroit Mercy School of Law
PROFESSION:	Senior Counsel, admitted to practice law in state and federal courts of Florida (074872) and Michigan (P27347) in 1965; admitted to practice before the United States Supreme Court; Florida Supreme Court Certified Civil Mediator (19855R) and Florida Supreme Court Qualified Arbitrator (2013). Florida Licensed Real Estate Broker (retired)
CONCENTRATIONS:	Construction, Land Use, Growth Management and Governmental Law; Business, International Business, Probate and Real Property Litigation and Transaction Law; Federal and State Civil Litigation;
LEGAL AND PROFESSIONAL EXPERIENCE:	Florida Supreme Court Certified Civil Mediator (2013) Florida Supreme Court Qualified Arbitrator (2013) Private Legal Practice--(1975 to 2012) SMALL & SMALL, P.A., Palm Beach, Florida (President, Three Generation Family Law Firm) General Counsel (Retained) for the Broward County Planning Council (1979 to 1995), Ft. Lauderdale, Florida County Attorney for Palm Beach County, Florida (1970 to 1975), West Palm Beach, Florida
PUBLIC MEMBERSHIP (current and past):	Architectural Review Commission of the Town of Palm Beach, Current Vice Chairman Long Range Financial Planning Committee of the Town of Palm Beach Palm Beach County Area Planning Board Officer and Member of Board of Directors--State Association of County Attorneys American Arbitration Association
PROFESSIONAL MEMBERSHIP (current and past):	THE FLORIDA BAR: Alternative Dispute Resolution Section Executive Council of Local Government Attorney's Section

Land Use and Environmental Law Section

Real Property Section

Local Governmental Law Section

Fee Arbitration Committee, Fifteenth Judicial Circuit

Business/Commercial Law Section

PALM BEACH COUNTY BAR ASSOCIATION:

Chairman, Local Governmental Attorney's Committee

Professionalism Committee

THE MICHIGAN BAR

FLORIDA PLANNING AND ZONING ASSOCIATION

GENERAL MEMBERSHIP AND PUBLIC SERVICE (current and past):

Greater South County Road Association in Palm Beach (Central Business District) (Founder/Past President)

Palm Beach Civic Association

Preservation Foundation of Palm Beach

Norton Museum

Flagler Museum

Palm Beach County Historical Society

National Trust for Historic Preservation

Palm Beach Follies (Recreation Center) (Committee Chairs)

Palm Beach Fellowship of Christians and Jews, Board of Directors

AUTHORED LEGAL AUTHORITIES, ORDINANCES, PLANS, REGULATIONS, OPINIONS, ARTICLES AND TREATISES FOR LOCAL GOVERNMENTS

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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 Architectural Commission must file an annual financial disclosure form per State law.)

Name: Elizabeth Sorrel Residence Address: 207 Pendleton Ave. Palm Beach, FL 33480

Mailing Address: 701 S. Olive Ave. #511 WPB, Fl 33401 Home Telephone: 914-393-0301 (cell)

E-mail Address: Ezs9@aol.com Work Telephone: 561-660-4848 (cell)

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

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

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)
I am extremely intercoted in preserving the beauty of the town that I've watched change and grow over twenty plus years. While I understand that change can be good, I want to make sure that the character and integrity of the island remains*

2. How many meetings of the Architectural Commission have you attended in the last year? 2

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.
Republican Executive Committee (Palm Beach County) 1 year
JDRF board member (NYC). Also involved in the Westchester, NY and fairfield, CT chapters and served on numerous committes over a period of 20 years

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
I live in the area full time and will make this commitment a priority.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

Yes. I have designed, renovated and built a number of homes in Palm Beach. 1284 NorthLake Way (landmarked), 233 Barton Ave., 795 N. Lake Way, 309 Dunbar. I am currently restoring 207 Pendleton, a John Volk Design

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

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

7. Present occupation. Real Estate (held my license in FL, CT, NY) No. of years. 30

Employer. Sotheby's (holds my license)

8. Past occupation(s). Media Sales Representative No. of years. _____

Employer(s). Hearst, Crain Communications

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☒ Architecture
- ☒ Landscape Architecture/Design
- ☒ Architectural History
- ☒ History
- ☒ Design
- ☒ Building Construction

11. Please provide details regarding your educational background.

Northwestern University BA 1984 Political Science/Economics
NYU - Real Estate

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

I have been involved in the renovation, design and build of at least 15 homes in NY, CT and FL. I have overseen these projects from start to finish. I have been living in Palm Beach for 24 years and know the Island extremely well and believe I have valuable knowledge that would qualify me to serve on the Commission.

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM 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: Elizabeth Sorrel DATE: January 28, 2019

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

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* 1. (continued)

I have spent years building, designing, landscaping and creating homes that add to the aesthetic value of the street and in the case of Palm Beach, the island as a whole.

I believe my knowledge, experience as well as my fresh perspective will greatly benefit ARCOM.

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by Landmarks Preservation Commission Applicants.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Landmarks Preservation Commission.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Memorandum Dated March 11, 2019, from Kathleen Dominguez, Town Clerk**
- **Sample Ballot for Regular Member**
- **Sample Ballot for Alternate Member**
- **Application - Albarran**
- **Application - Cini**
- **Application - Drake**
- **Application - Gordon**
- **Application - Metzger**
- **Application - Patterson**
- **Application - Silvin**

TOWN OF PALM BEACH

Information for Town Council Meeting on March 19, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Landmarks Preservation Commission Appointment of Regular and Alternate Members

DATE: March 11, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Landmarks Preservation Commission (LPC) in order to fill the vacant seats resulting from Richard Rene Silvin, Jacqueline Albarran, Page Lee Hufty and Anne Metzger's expired terms. Page Lee Hufty is not eligible for reappointment per Section 54-36 of the Town Code. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

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

1) Marcia Mulford Cini who resides at 1 North Breakers Row, Palm Beach, FL.
2) Jamie Gordon who resides at 2165 Ibis Isle Road, #4, Palm Beach, FL.

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

1) Jacqueline Albarran (Architect)
2) Richard Rene Silvin who resides at 422 Australian Avenue, Palm Beach, FL.

The Town Clerk's office has received three applications from **ALTERNATES SEEKING APPOINTMENT FOR A REGULAR MEMBER POSITION** from the following:

1) Jacqueline Drake who resides at 475 Tradewind Drive, Palm Beach, FL.
2) Susan Patterson who resides at 710 S. Ocean Blvd., Palm Beach, FL.
3) Anne Grant Metzger who resides at 277 Esplanade Way, Palm Beach, FL.

c.c.: Josh Martin, Director of Planning, Zoning and Building

BALLOT FOR APPOINTMENT OF REGULAR MEMBER
TO THE **LANDMARKS PRESERVATION COMMISSION**
Town Council Meeting on **March 19, 2019**

Positions to be filled: **__3__ Regular Members**

Please circle __3__ from the list of names appearing below

Sample Ballot

Regular Members Applying for Reappointment
(Listed alphabetically)

Jacqueline Albarran

Richard Rene Silvin

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

Jacqueline Weld Drake

Anne Grant Metzger

Susan Patterson

Others Who Have Submitted Applications
(Listed alphabetically)

Marcia Mulford Cini

Jamie Gordon

Signature of Town Council Member: _____
Town Council Member

BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE **LANDMARKS PRESERVATION COMMISSION**
Town Council Meeting on **March 19, 2019**

Positions to be filled: **__1__ Alternate Member**

Please circle __1__ from the list of names appearing below

Alternate Members Applying for Reappointment

Anne G. Metzger

Others Who Have Submitted Applications
(Listed alphabetically)

Marcia Mulford Cini

Jamie Gordon

Sample Ballot

Signature of Town Council Member: _____
Town Council Member

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: Jacqueline Albarran

Residence Address: 11979 Polo Club Road Wellington, FL 33414

Mailing Address: 324 Royal Palm Way #227 Palm Beach, FL 33480

Home Telephone: 561-346-9892 (cell)

E-mail Address: jackie@jackiealbarran.com

Work Telephone: 561-655-7676

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

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

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

Having been an architect in Palm Beach since 1985, I have had the privilege of working on many Historic homes. I am currently serving on the Landmark's Preservation Commission of the Town of Palm Beach and would like the opportunity to continue to serve on this Commission as the "non resident" member.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? _____

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 served on the Landmark's Preservation Commission for two consecutive, 3 year terms from 1991-1997. I served one three year term from 1998-2001. After moving to Wellington in 2001, I was reappointed following the ordinance change creating a non resident position. I served in this position for 9 months before offering my position to Gene Pandula when he became a non resident. I resumed this position in 2012 and continue to serve at this time.

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

none

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☑ (If so, where?)

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

I have had many years of experience serving on this Commission and as the Architect of many landmarked homes in the Town of Palm Beach.

I have had the privilege of being the architect for the two Ballinger Award winners for 2017.

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

- ☐ National Trust for Historic Preservation
- ☐ Florida Trust for Historic Preservation
- ☐ Palm Beach County Historical Society
- ☐ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owner's Association
- ☐ Palm Beach Civic Association
- ☐ Other Preservation Organization: _____

8. Present occupation. Architect No. of years. approx 30 years

Employer.

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

Employer(s).
n/a

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- ☑ Architecture
- ☑ Design
- ☑ Architectural History
- ☐ History
- ☐ Landscape Architecture/Design
- ☐ Building Construction

11. Please provide details regarding your educational background:

Diploma in Development Planning at the University of London, Great Britain

Diploma in Architecture at the University of Los Andes, Bogota Colombia

Diplome de Langue Francais at Ecole Lemania, Lausanne Switzerland

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

I have had many years of experience serving on this Commission and as the Architect of many landmarked homes in the Town of Palm Beach.

I have had the privilege of being the architect for the two Ballinger Award winners for 2017.

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

Family Member Name	Relationship	Address	Occupation	Employer
n/a	n/a	n/a	n/a	n/a

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

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

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

☐ Yes ☑ No n/a

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
☐ Other

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: 1/28/2019

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

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that there are, in the discretion of the Town Council, no bona fide applicants who are registered architects in the State of Florida, the Town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

RECEIVED
NOV 25 PM 2:42 TWN CLERK

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

Name: Marcia Mulford Cini

Residence Address: 1 North Breakers Row

Mailing Address: same

Home Telephone: 561-331-8449

E-mail Address: mmcini@mvylaw.com

Work Telephone: 508-627-0250

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

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

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

see attached

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? _seven_____

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

see attached

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

no

5. Have you ever lived in or owned a landmarked home or property? Yes [✓] No [ ] (If so, where?)

Jericho Center, VT & Topsfield, MA

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

see attached

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

- [x] National Trust for Historic Preservation
- [ ] Florida Trust for Historic Preservation
- [x] Palm Beach County Historical Society
- [ ] Citizens' Association of Palm Beach
- [x] Preservation Foundation of Palm Beach
- [ ] North End Property Owner's Association
- [x] Palm Beach Civic Association
- [ ] Other Preservation Organization: _____

8. Present occupation. Retired Attorney No. of years. RETIRED 12-31-2017

Employer.

9. Past occupation(s). practicing attorney No. of years. 25

Employer(s).
Tinti Quinn Grover &Frey LLP Law Offices of Marcia Mulford Cini

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

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

11. Please provide details regarding your educational background:
see attached

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)
see attached

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

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

☑ Yes ☐ No

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

RACE		GENDER	
☐ African American	☐ Native American	☐ Male	☑ Female
☐ Asian American	☑ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☑ 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: 11-26-2018

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

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LANDMARKS PRESERVATION COMMISSION

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Landmarks Preservation Commission Application of Marcia Mulford Cini

1. I am interested in serving on the Palm Beach Landmarks Preservation Commission because I have always been involved in civic life, I have the appropriate background and qualifications, and my ancestors were prominent in Palm Beach in the late 19th and early 20th centuries. Joseph Mulford, who with his wife Mary Cluett Mulford, came here from upstate New York in the 1880s, founded Bethesda-by-the-Sea Episcopal Church, the third incarnation of which currently stands today on Barton Avenue and South County Road. We are active members in this church, having renewed our vows with Fr. James Harlan on the occasion of our 50th wedding anniversary in Palm Beach in 2013, the year we moved here. My husband Bill is currently a candidate for Vestry there. I am also at a juncture in my life, having closed my law practice and officially retired at the end of December 2017, where it seems to make sense to give back to the community with my talents.

3. I have served on the Board of Directors and Chairman of the Governance Committee of the Martha's Vineyard Museum for six years (term limits require that I take a year off) during a 24 m. dollar capital campaign, historic rehabilitation and museum move. I have again been appointed to a six year term. I am currently on the Board of Island Elderly Housing, Inc. (21 years) and Havenside Corporation (5 years), both on Martha's Vineyard. Immediate past Vice Chairman of the Dukes County Bar Association, I was elected island-wide to two terms of two years each on the Martha's Vineyard Commission, at which time I was lured but did not succumb to the opportunities represented by election to the state legislature. I also served on the West Tisbury Historic District Commission and was Chairman of the Topsfield Historic District Commission for approximately ten years each. I was also appointed to the Tisbury Community Preservation Committee, a state statutorily mandated program, at its origination and served again for ten years (until summer 2017). In each instance, it would have never occurred to me to miss a meeting, so my attendance record was essentially perfect.

5. and 6. A word of explanation: In New England, designated historic properties are what Palm Beach calls "landmarked" properties. My immediate family and I have owned two, one in Jericho Center, Vermont (1814) and one in Topsfield, Massachusetts (1756). We made our home in each of these and in all respects treated them historically appropriately, including making them available for house tours.

11. My educational background suits me perfectly for this appointment. My undergraduate degree is a B. A. in history from American University in Washington, DC. Instead of pursuing Education at Columbia University in NYC, I got an M.A. in Preservation Studies from Boston University, where I specialized in adaptive reuse and twentieth century resources. After I went to B.U. Law School, earned a J.D. (Juris Doctor) degree, passed the bar exam and practiced law in Massachusetts for approximately 25 years.

12. My educational background and experience as well as how I have chosen to spend my time during my entire adult life qualify me for an appointment to the Palm Beach Landmarks Preservation Commission. In addition to pursuing a preservation career, which I did up until I went to law school in search of a more lucrative way to make a living and having served as a full time preservation consultant under the aegis of my own company, Associated Preservation Services, Inc., I

volunteered for two commissions similar to the Landmarks Preservation Commission in that they were promoters of and arbiters of alterations to historic structures. I also served on numerous civic or non-profit organization boards, always identified with the protection of historic interests. During my law practice I submitted plenty of federal tax credit applications, worked on some very large projects that included state and federal tax credits, and am currently listed on the Massachusetts Historical Commission's list of recommended historic preservation consultants. I still get phone calls about my master's degree thesis on the Kirkbride complex at Danvers State Hospital, which formed the basis for a National Register of Historic Places nomination and listing for it and more than one book and art exhibit. I truly believe not only in a "city's right to be beautiful" (Berman v. Parker) but the more you know about how we got to be the way we are, the better decisions we can make for the future.

Supplementary Information Relating to the Application of Marcia Mulford Cini for a Position on the Town of Palm Beach Landmarks Preservation Commission (LPC)

The following matters have come to light in the almost one year which has elapsed since I submitted my original application:

1. The LPC meeting I attended in January of this year included a discussion of the local Brazilian Court Hotel. It would be important for the Town Council to know that my paternal grandfather, Vincent Strong Mulford, used to own this property and the late Mr. (James) Ponce, historian of the Breakers Hotel, worked for my grandfather for a time during the winters when Mr. Mulford lived on the top floor of the Brazilian Court. Of course, I visited my grandfather as a small child (he died in 1960) and remember having lunch in the palm courtyard.

12. Historic terminology may be different between my experience and that of Palm Beach's but I have come to learn the preservation issues are the same. Duck's Nest on Maddock Way (and whether to allow the owner to tear down the second oldest building in town despite its current landmark status) is a case in point. I was invited to visit the McMakin house next door (the Second Bethesda) and I was very comfortable there, and that was even before seeing the dining room! It is my kind of historic house for sure, If the Town Council is interested in doing more with less, preservation is the place to begin.

It is my hope and expectation that this information can be added to and read in conjunction with my new application filed on November 26, 2018.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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Name: Jacqueine Drake

Residence Address: 275 Tradewind Drive

Mailing Address: 275 Tradewind Dr. Palm Beach, FL 33480

Home Telephone: 917-855-9286

E-mail Address: jweld485@aol.com

Work Telephone: _____

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

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

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

I have served on the LPC as an alternate for several eyars. My attendance and participation have been excellent. I believe I am uniquely qualified.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 10

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.

LPC attendance record excellent

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

5. Have you ever lived in or owned a landmarked home or property? Yes ☑ No ☐ (If so, where?)

NYC

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

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

- ☐ National Trust for Historic Preservation
- ☐ Florida Trust for Historic Preservation
- ☐ Palm Beach County Historical Society
- ☐ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owner's Association
- ☑ Palm Beach Civic Association
- ☐ Other Preservation Organization: _____

8. Present occupation. writer WRITER No. of years. 20+

Employer.

9. Past occupation(s). Writer, attorny No. of years. _____

Employer(s).

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- ☐ Architecture
- ☐ Design
- ☐ Architectural History
- ☐ History
- ☐ Landscape Architecture/Design
- ☐ Building Construction

11. Please provide details regarding your educational background:

I have a BA from Sarah Lawrence College and a JD from Colmbia Law School.

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

Because i have served on it for several years

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

Family Member Name	Relationship	Address	Occupation	Employer

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC 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
☐ Other

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: Jacqueline Reed Reale DATE: 2/10/19

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TOWN OF PALM BEACH

JAN 29 2019

Town Manager's Office

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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Name: JAMIE GORDON Residence Address: 2165 Ibis Isle Rd #4 P.B. FL

Mailing Address: 2165 Ibis Isle Rd #4 Palm Beach, FL 33480 Home Telephone: 561-951-7957

E-mail Address: hamigordon@yahoo.com Work Telephone: 561-273-2309

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

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1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)
I have always appreciated architecture and history - a symbiotic relationship - if ever there was one.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? None -

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

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
None of which I am presently aware.

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)
... but Charles Dickens is noted to have written Nicholas Nickleby in a residence in which I once lived in Richmond (outside London, England).

P.T.O. →

I also once lived in a residence in the Cotswolds that was once a hunting lodge used by King Henry VIII. The residence was called Westwold Manor House in Oxfordshire.

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.
None - other than as an insurance broker; I have "helped" insure such residences in Washington DC (among other places).

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

- ☐ National Trust for Historic Preservation
- ☐ Florida Trust for Historic Preservation
- ☐ Palm Beach County Historical Society
- ☑ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owner's Association
- ☐ Palm Beach Civic Association
- ☐ Other Preservation Organization: _____

8. Present occupation. Insurance Broker No. of years. 13+ years

Employer. Alliant Insurance Services (formerly Crystal & Company)

9. Past occupation(s). Insurance broker No. of years. 3

Employer(s). March Inc., (Washington DC office).

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

n/a

- ☐ Architecture
- ☐ Design
- ☐ Architectural History
- ☐ History
- ☐ Landscape Architecture/Design
- ☐ Building Construction

11. Please provide details regarding your educational background:
Attended Preparatory School in England - attended Harrow School in England
Graduated from Georgetown University in Wash. DC.

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)
I am passionate about architectural preservation. Being Boston, I am acutely aware of the importance of preservation.

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

Family Member Name	Relationship	Address	Occupation	Employer
n/a				
Mary Lou Gordon	spouse	2165 North Lake Rd, Palm Beach, FL 33480	n/a	n/a

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

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

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

☑ Yes ☐ No

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

RACE		GENDER	
☐ African American	☐ Native American	☑ Male	☐ Female
☐ Asian American	☑ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ 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: [signature] DATE: 1/29/2019

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

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TOWN OF PALM BEACH

MAR 05 2019

AMF

Town Manager's Office

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

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Name: Anne Grant Metzger

Residence Address: 277 Esplanade Way

Mailing Address: 277 Esplanade Way

Home Telephone: 561-842-0224

E-mail Address: annegm44@gmail.com

Work Telephone: 561-236-3446

I am a registered voter of the Town of Palm Beach AG M (please initial) P.G.G.

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

I would like to continue to serve on the Landmarks Commission and apply my talents and experience to help preserve the historic architectural legacy of the Town of Palm Beach.

Please see attached page.

2. How many meetings of the Landmarks Preservation Commission 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.

Palm Beach Day Academy (formerly, Palm Beach Day School), 30+ years board member, missed only 1 meeting during that time.

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

I plan to be available year-round.

5. Have you ever lived in or owned a landmarked home or property? Yes ☑ No ☐ (If so, where?)

Summer 1971 worked at American Museum, Bath, England and lived in Freshford Manor, National Heritage List for England

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

Yes.
Please see attached page.

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

- ☐ National Trust for Historic Preservation
- ☐ Florida Trust for Historic Preservation
- ☐ Palm Beach County Historical Society
- ☐ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owner's Association
- ☐ Palm Beach Civic Association
- ☐ Other Preservation Organization: _____

8. Present occupation. N/A No. of years. _____

Employer.

9. Past occupation(s). Worked with Helen Cluett No. of years. 3

Employer(s). Christie's, Palm Beach

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- ☐ Architecture
- ☐ Design
- ☑ Architectural History
- ☑ History
- ☑ Landscape Architecture/Design
- ☐ Building Construction

11. Please provide details regarding your educational background:
University of Pennsylvania BA 1971 American Civilization
American Museum, Bath, England Summer Internship, 1971
Florida Atlantic University MA Education 2000

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)
I have a known interest in preservation. (please see continuation of number 6 on attached page). Having served previously on the Landmark Commission, I have useful experience. I am an excellent, dedicated, conscientious and enthusiastic candidate.

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

Family Member Name	Relationship	Address	Occupation	Employer
J. William Metzger	Husband	277 Esplanade Way, PB Fl 33480	Media	Self

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

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

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

☑ Yes ☐ No

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

RACE		GENDER	
☐ African American	☐ Native American	☐ Male	☑ Female
☐ Asian American	☑ Caucasian	**PHYSICALLY DISABLED**	
☐ Hispanic American	☐ Other	☐ 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: Jessie Grant Metzger DATE: 3/5/19

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

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

LANDMARKS PRESERVATION COMMISSION

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Anne Grant Metzger

The following is supplemental information to my March 5, 2019 Landmarks Preservation Commission Application Form.

1. Why I am interested in serving on LPC.

I am interested in architecture, history and preservation. I grew up outside of Philadelphia, a city renowned for all three. Our Palm Beach community is filled with beautiful historic houses and buildings. I have really enjoyed being on the Landmarks Commission since I was appointed last August 2018 to fill a remaining term. I respect and work well with the current commissioners, the Town's staff and the Town's consultants. I would like to be renewed as a commission member for a new full term and continue to apply my talents and experience to help preserve our historic architectural legacy for the future.

6. My experience in dealing with landmarked properties.

Current Experience.
Most recently, while serving on LPC during the last seven months completing the term of a vacated position, I have studied the proposed architectural submissions and visited the sites, spoken and/or met with the architects and/or owners. I contributed to the LPC conversations that resulted in positive decisions regarding proposed changes to many properties and I am especially pleased about the following three examples:

Southwood, 174 Via del Lago
Designed by Wyeth and King, this magnificent house from the 1930's needs to have the entire roof replaced and the Landmarks Commission was able to encourage and persuade the current owners to go back to the style and color of the original material for the roof.

911 North Ocean Boulevard — Historic Mizner Wall
I encouraged the owners to landmark this last surviving element of Addison Mizner's magnificent, very large 1923 house, *Playa Riente*. The landmark designation was unanimously approved by LPC in February, 2019.

3 Pelican Lane
Following a catastrophic fire at this property, the 1938 John Volk house will be demolished and rebuilt almost exactly as the original landmark structure. Many details needed to be analyzed and discussed to achieve a design and plan for reconstruction that fulfills the criteria of the original landmark designation. I am familiar with this house because it belonged to the father of a friend of mine. I have fond memories of going there.

It is a win-win when owners and the Landmark Preservation Commissioners work together to achieve the best results for everyone.

(Continued on next page)

Anne Grant Metzger

Prior Experience.
While a member of the Landmarks Preservation Commission from 1989—1996, with Jane Volk as the Chair for many of these years, I participated actively in the efforts to landmark many important properties, including the following:

8 South Lake Trail (Landmarked in 1990)
This Ballinger award-winning property of nearly two acres is located in the center of the oldest residential district in Palm Beach, at the lakefront end of Clarke Avenue. The spectacular John Volk house and expansive formal gardens with giant kapok tree are among the great treasures of our Town.

Palm Beach Day School (later Palm Beach Day Academy) (Landmarked in 1991)
I have been a trustee of the school for many years and it was my idea to landmark the appropriate building of the school which commenced operations in 1921. I was successful in encouraging my fellow trustees to embrace the honor and value of accepting the Town's landmark status for the original historic school building.

Issues regarding Mar-a-Lago
In 1981, while working for Christie's wth Helen Cluett, I spent approximately two months at Mar-a-Lago, which had previously been landmarked. I worked with the senior departmental experts from Christie's New York during their on-site evaluation of the contents of the house, which included fine arts and decorative arts which complemented Joseph Urban's remarkable landmarked architecture. In addition, while I was a member of the Landmarks Commission, various requests and proposals for changes at Mar-a-Lago were presented for consideration.

12. Why I feel qualified to serve on LPC.

In addition, I feel that in serving on LPC during the last seven months I have established an excellent working relationship with my fellow commissioners, with whom I would continue to serve. There is a spirit of harmonious camaraderie and shared goals for the Town and its historic properties. While we may bring a variety of opinions, there is mutual respect and healthy discussion among the members. It is a wonderful group of dedicated people who work well together.

RECEIVED
JAN 25 2019
Town of Palm Beach
PZB Dept

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: Susan S. Patterson Residence Address: 710 S. Ocean Blvd

Mailing Address: 710 S. Ocean Blvd Home Telephone: 561-659-4447

E-mail Address: SSDLIE@AOL.COM ~~Work~~ Cell Telephone: 561-346-7007

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

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

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)
Preserving Palm Beach, our jewel by the sea, is very important to me. I've enjoyed my first 2 years as an alternate Commissioner.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 12

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.
Palm Beach Day Academy (10 yrs)
Dreyfoos School of the Arts (8 yrs)
University of Wisconsin - Madison (10 yrs)
(Foundation Board, School of Education / School of Art)

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

5. Have you ever lived in or owned a landmarked home or property? Yes ☒ No ☐ (If so, where?)
Currently living in one:
710 S. Ocean Blvd

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

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

- ☐ National Trust for Historic Preservation
- ☐ Florida Trust for Historic Preservation
- ☐ Palm Beach County Historical Society
- ☐ Citizens' Association of Palm Beach
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owner's Association
- ☒ Palm Beach Civic Association (husband)
- ☐ Other Preservation Organization: _____

8. Present occupation. Author, photographer No. of years. 3/20

Employer. Little, Brown & Co (Hachette)

9. Past occupation(s). J. Walter Thompson NY No. of years. 20

Employer(s). (Advertising Agency AD, SR VP)

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- ☒ Architecture
- ☒ Design
- ☒ Architectural History
- ☒ History
- ☐ Landscape Architecture/Design
- ☐ Building Construction

11. Please provide details regarding your educational background:

University of Wisconsin - Madison / BS
University of Wisconsin - Madison / MFA

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

We resurrected our home from 17 years of abandonment and found the process rewarding. I've studied design and architecture extensively and I'm passionate about preservation.

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

Family Member Name	Relationship	Address	Occupation	Employer
James Patterson	husband	710 S. Ocean Blvd "	novelist	self

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

NO

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC 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
☐ Other

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: 11/22/19

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

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

LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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Name: Richard RenÈ Silvin

Residence Address: 422 Australian Ave, Palm Beach, FL 33480

Mailing Address: PO Box 2814, Palm Beach

Home Telephone: 404-660-1766

E-mail Address: rrsilvin@aol.com

Work Telephone: N/A

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

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

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

I currently serve as the Vice-Chair of the Landmarks Preservation Commission, and have served for the past 5 years on the commission

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 12

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

Palm Beach LPC for 5 years, and numerous corporate Boards of Directors, both publicly traded and privately held in Europa and Asia.

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

I will attend all meetings

5. Have you ever lived in or owned a landmarked home or property? Yes [✓] No [ ] (If so, where?)

Chateaux St. Victor, St. Victor, France; Chateaux du Rosey, Rolle, Switzerland.

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.
N/A

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

- ☐ National Trust for Historic Preservation
- ☐ Florida Trust for Historic Preservation
- ☑ Palm Beach County Historical Society
- ☑ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owner's Association
- ☑ Palm Beach Civic Association
- ☐ Other Preservation Organization: _____

8. Present occupation. _Author and lecturer_____ No. of years. ____15 years_____

Employer.
_____NA_____

9. Past occupation(s). _Corporate executive_____ No. of years. _30_____

Employer(s). _AMI International Inc., Beverly Hills CA, and Lausanne Switzerland

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- ☑ Architecture
- ☐ Design
- ☑ Architectural History
- ☑ History
- ☐ Landscape Architecture/Design
- ☑ Building Construction

11. Please provide details regarding your educational background: _

_Le Rosey, Rolle /Gstaad Switzerland, 1966; BS. Georgetown University, Washington DC, 1970; MBA finance and hospital administration, Cornell University, Ithaca, NY 1972 _____

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

_I have served on the Landmarks Preservation Commission for the last 5 years _____

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

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

☐ Yes ☑ No

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

RACE		GENDER	
☐ African American	☐ Native American	☐ Male	☐ Female
☐ Asian American	☑ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ 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: [signature] DATE: March 2, 2019

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

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TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Minutes

Agenda Title
Town Council Meeting Minutes.
Kathleen Dominguez, Town Clerk

a. February 13, 2019, Local Planning Agency Meeting Minutes
b. February 13, 2019, Development Review Town Council Meeting Minutes
c. February 14, 2019, Town Council Meeting Minutes
d. February 14, 2019, Special Town Council Meeting Minutes - Closed Door Session

Presenter

ATTACHMENTS:

- **February 13, 2019, Local Planning Agency Meeting Minutes**
- **February 13, 2019, Town Council Development Review Meeting Minutes**
- **February 14, 2019, Town Council Meeting Minutes**
- **Minutes of the Special Town Council Meeting - Closed Door Session - Held on February 14, 2019**

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE LOCAL PLANNING AGENCY MEETING HELD ON WEDNESDAY, FEBRUARY 13, 2019

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency Meeting was called to order on Wednesday, February 13, 2019 at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected official were found to be present.

II. COMMUNICATIONS FROM CITIZENS

Anita Seltzer, Cocoanut Row, voiced her concerns about public notices and Ordinance 2-2019.

III. ORDINANCE NO. 02-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Adding A Definition Of Public Structure; Modifying The Definition Of Essential Services To Include Town-Owned Municipal Buildings And Structures, And Modifying The Definition Of Lot To Exclude Town-Owned Or Town-Leased Property; At Article IV, Nonconformities, Section 134-416, Continuation; Definition; Intent, To Exempt Town-Owned Municipal Buildings And Structures Which Are At Least Fifty (50) Years Old From Article IV, Nonconformities, Division 3, Buildings And Structures; At Article VI, District Regulations, Sections 134-790. 134-840, 134-890, 144-945, 134-1000, 134-1055, 134-1109, 134-1159, 134-1209, 134-1259, 134-1304 And 134-1354 To Add Essential Services Related To Town-Owned Municipal Buildings And Structures In All Zoning Districts As A Special Exception Use And Renumbering The Special Exception Uses In Those Sections; Article VIII, Supplementary District Regulation, Section 134-1697, Structures Over Lake Work By Adding "Buildings" Into The Title And To Allow "Essential Services Related To Town-Owned Buildings And Structures" Over Lake Work; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Director Martin provided details on the Ordinance.

Motion was made by Agency Member Lindsay, and seconded by Agency Member Araskog to approve Ordinance No. 2-2019. On roll call, the motion carried unanimously.

IV. ADJOURNMENT

There being no further business, the February 13, 2019 Local Planning Agency meeting was adjourned at 9:40 a.m.

APPROVED:

_____

Danielle H. Moore, Town Council President

ATTEST:

_____

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Minutes of the Town Council Meeting
Held on February 13, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order February 13, 2019, at 9:45 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Ruderman gave the invocation.

Council President Moore led the pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING - None

V. COMMUNICATIONS FROM CITIZENS - None

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

Z-18-00138 was deferred to the April 10, 2019 Town Council meeting.

Z-18-00168 was moved before Item VII. Public Hearings.

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

Deputy Clerk Ruderman swore in all those who would be testifying.

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 05-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 244 Nightingale Trail, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

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

Director Martin provided Staff comments.

Aimee Sunny, Director of Education for the Preservation Foundation of Palm Beach expressed her support for this designation.

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

Mayor Coniglio suggested that the builder, John Butler be recognized as a master builder in the Designation Report.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 05-2019 approving the landmark with the condition that John Butler be recognized as Master Builder in the Designation Report. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural

impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the February 20, 2019 meeting at the request of the attorney. Carried 7-0.]

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

b. Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Harvey E. Oyer, III, Esq. on behalf of Mar-a-Lago Club, Inc., Applicant, relative to property located at 1100 S OCEAN BLVD, legal description on file, is described below. 1. The Applicant seeks approval of a Special Exception with Site Plan Review to add an accessory dock to the property in the approximate location of the prior historic dock. The dock is to be located at the northwest corner of the site and projects 40 feet from the existing seawall into the Lake Worth Lagoon. [Applicant's Representative: Harvey E Oyer III Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject landmark property. Carried 7-0. The Landmarks Preservation Commission deferred the project to the February 20, 2019 meeting at the request of the attorney. Carried 7-0.]

Ex-parte communications were declared by all Council members.

Attorney Oyer provided details of the project.

Doctor Jane Day spoke in opposition of the project.

Attorney Ash spoke in opposition of the project.

Attorney Stambaugh, spoke on behalf of the DeMoss family of 185 Woodbridge Road.

Glenn Zeitz, 142 Seabreeze, spoke in opposition of the project.

Nader Kazeminy, 760 Island Drive, spoke in opposition of the project.

Attorney Oyer addressed concerns brought up by the opposition.

Phillip Johnston, Palm Beach, stated that removal of the natural barrier would decrease security.

The Town Council recessed at 11:00 a.m. and reconvened at 11:10 a.m.

Discussion took place on: intensification of use of the property, the dock location, configuration of the channel including turning basin, funding of channel, dredging of the channel, commercial and special exception use, the view shed, and security.

Item was withdrawn.

The Town Council recessed at 12:14 p.m. and reconvened at 12:20 p.m.

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

Ex-parte communications were declared by all Council members.

Attorney Ziska provided information on Declaration of Use Agreement.

Director Martin provided Staff comments.

Director Martin explained Items 1-31 of *Article IV - Conditions* of the Declaration of Use Agreement.

Attorney Eubanks provided additional details.

Attorney Pressly provided neighborhood preferences.

Discussion took place on specifics of all items.

Glenn Zeitz, 142 Seabreeze Avenue, requested that specific language be included in the Declaration Use Agreement that no parking take place on Sea Streets by Carriage Club members.

Bradley Geist, 234 Phipps Plaza, commented on pick up/drop off locations and policies.

Michael McCarty, Carriage House Managing Director, stated that the Club will manage their members with regard to obeying the rules.

Bob Shelton, Phipps Plaza, voice concerns about people having wedding receptions at Phipps Plaza.

Steven Greenwald, 128 Seaspray Avenue, spoke about verbiage in Declaration of Use Agreement.

Dale Pincourt, 1270 North Lake Way, spoke in opposition of the application.

Maisy Grace, 247 Seaspray Avenue, spoke in opposition of the application.

Terry Ruttle, 310 Seabreeze Avenue, requested Council for thoughtful consideration to residents.

Carole LeCates, 212 Seabreeze, spoke in opposition of the application.

John Beech, 140 Seaview, expressed his concern about parking on Seaview Avenue.

Bradley Geist, 234 Phipps Plaza, spoke about problems with private clubs versus restaurants, permit parking, visitor passes and parking at JP Morgan.

Allen Wyett, 1145 North Lake Way, spoke about parking and noise.

Declaration of Use Items

Item 1

Motion was made by Council Member Crampton, and seconded by President Moore, to approve all members and guests will be required to exit the Club by 12:30 a.m. On roll call, motion failed 3-2.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to approve Club hours of operation will be Sunday – Wednesday 11:00 am to 12:00 pm and Thursday – Saturday 11:00 am to 12:30 pm. On roll call, the motion carried unanimously.

Item 2

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to allow same use that is allowed by code in the CTS district except for Club use. On roll call, the motion carried unanimously.

Item 5

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that there shall be no dance floor or amplified music with the number of musicians limited to three. On roll call, the motion carried 3-2 with President Moore and Council Member Lindsay dissenting.

Item 11

Motion was made by Council Member Araskog that the maximum occupancy shall not exceed 100 people until 6:00 p.m. and 200 people after 6:00 p.m. Maximum occupancy shall include Club employees. Without a second, the motion was not considered.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that the maximum occupancy shall not exceed 225 people until 6:00 pm and 250 people for special events after 6:00 p.m. for 12 events. Maximum occupancy shall include club employees. Requirement to revisit after six months. On roll call, the motion carried 3-2 with President Moore and Council Member Araskog dissenting.

Item 16

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Club members, guests, and employees (who are non-Phipps Plaza residents) will not be allowed to park on the Sea Streets. It is the intent of this agreement to preserve the residential character of the neighborhood. This should be enforced, including penalties, through the Club Rule Book. On roll call, the motion carried unanimously.

Item 20

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that lunch seating shall be limited to 67 seats. The total seats after 6:00 p.m. shall not exceed 153. On roll call, the motion carried 4-1 with President Moore dissenting.

Item 30

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that the Club will monitor smoking, drinking, loitering in outdoor space between 264/270 South County Road. On roll call, the motion carried unanimously.

Item 31

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that the Club shall return to the Town Council after 6 months of operation during the period from November 1 through April 30 to review the list of conditions and compliance. The Club is prohibited from seeking revision(s) to this Agreement for a period 2 of years following the date of Club opening with the sole exception of a requested relocation of the valet stand and/or parking facility. On roll call, the motion carried unanimously.

Item 12

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that should the Club lose the right to operate a drop off and pick stand at 205 Royal Palm Way for any reason, the Club will be required to provide an alternative location that is approved by the Town Council. Alternate location will be used for 90 days while Club looks for an alternate plan. On roll call, the motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Special Exception Z-18-00149 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met subject to the findings that have been memorialized in the Declaration of Use as amended with the final review and approval

of the Declaration of Use at the March 19th 2019 Town Council meeting. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that that Special Exception Z-18-00149 approval for off site supplemental parking at 240 Royal Palm Way shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Site Plan Review Z-18-00149 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

The Town Council recessed at 3:35 p.m. and reconvened at 4:00 p.m.

d. Z-18-00158 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Palm Beach Dunbar, LLC, a New York limited liability company (John Randolph, Manager), Applicant, relative to property located at 171 DUNBAR RD, legal description on file, is described below. The Applicant is requesting a variance to add a 388 square foot addition for an additional garage bay to have a two-car garage in lieu of the one-car garage existing. This will result in an angle of vision of 123 degrees in lieu of the 114 degrees existing and 108 degrees maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project. Carried 6-1]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00158 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

e. Z-18-00161 SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of 1404 NORTHLAKE LLC (Maura Ziska, Manager), Applicant, relative

to property located at 1404 N LAKE WAY, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 9,263 square foot two-story, single family residence on a non-conforming lot that is 110 feet in width in lieu of the 125 foot minimum required and 19,563 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission approved the project with architectural and landscape changes. Carried 5-2]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan Review Z-18-00161 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

2. New Business

a. Z-18-00163 SITE PLAN REVIEW Zoning District: R-D (2) High Density Residential The application of Kirkland House (Elaine Gunnoe, Manager), Applicant, relative to property located at 101 WORTH AVE SUITE: SITE, legal description on file, is described below. The Kirkland House Condominium Association, Inc. is requesting site plan approval for a 750 KW generator with a 3000 gallon underground fuel tank and the construction of a required building to house said generator which measures 445 square feet. The generator building is proposed to be located on the southwest side of the condominium building. The building is designed so that it will match the look of the condominium building and will not be visible from Worth Avenue, South Ocean Boulevard, or the property to the west of the Kirkland House. It will also be sufficiently screened with landscaping. This project is adding approximately 171 square feet of landscaped open space to the property. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, that Site Plan Review Z-18-00163 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

b. Z-18-00164 VARIANCE(S) Zoning District: R-A Estate Residential The application of 640 Palm Beach LLC, Larry Alexander, authorized representative, Applicant, relative to property located at 640 S OCEAN BLVD, legal description on file, is described below. Request for a variance to allow a sliding driveway gate with a 7-foot setback from the edge of pavement in lieu of the 18 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 6-1]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Variance No. Z-18-00164 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

c. Z-18-00165 VARIANCE(S) Zoning District: R-AA Large Estate Residential The application of Maura Ziska as Trustee of the 515 North County Road Trust, Applicant, relative to property located at 515 N COUNTY RD, legal description on file, is described below. Request for a variance to allow two wing walls flanking the main entrance driveway gate with a height of 7.49 feet as measured from the crown of the road in lieu of the 6 feet maximum allowed. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance No. Z-18-00165 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area subject to ARCOM approval. On roll call, the motion carried unanimously.

d. Z-18-00166 VARIANCE(S) Zoning District: R-AA Large Estate Residential The application of Joel and Carol Jankowsky, Applicant, relative to property located at 200 REGENTS PARK, legal description on file, is described below. A request for a variance to allow the existing 6' 4" enclosure wall to be increased by 2' 4" for a total height of 8' 8" in lieu of the 7' wall maximum height allowed in order to fully encompass and screen a new 46 KW generator. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0]

No ex-parte communications were declared.

Attorney Ziska provided the details of the project.

Director Martin provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance No. Z-18-00166 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

e. Z-18-00167 SITE PLAN REVIEW Zoning District: R-AA Large Estate Residential The application of 535 North County Road LLC (Mark Pulte), Applicant, relative to property located at 535 N COUNTY RD SUITE: GUESTHOUSE, legal description on file, is described below. A request for Site Plan Review to install a 180 KW generator to be located within the guesthouse, which was previously approved by ARCOM. [Applicant's Representative: Maura Ziska Esq]

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

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Site Plan Review Z-18-00167 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

The following item was moved to precede Item VII. Public Hearings. A. Resolution No. 05-2019

f. Z-18-00168 VARIANCE(S) Zoning District: R-B Low Density Residential The application of 244 Nightingale LLC (Stan Johnson, Manager), Applicant, relative to property located at 244 NIGHTINGALE TRL, legal description on file, is described below. A request for a flood plain variance in order to renovate a landmarked residence with a finished floor elevation of 5.68 North American Vertical Datum ("NAVD") in excess of 50% of the market value of the residence per section 50-114 of the code. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property and that the proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Architect Pandula provided additional details.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00168 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

g. Z-18-00169 VARIANCE(S) Zoning District: B-A Beach Area The application of Alex Chesterman, Applicant, relative to property located at 880 S OCEAN BLVD, legal description on file, is described below. 1) Request a Special Exception with

Site Plan Review to allow construction of a two 424 square foot beach cabanas in the R-A/B-A Zoning District. 2) Request for a variance to allow two beach houses to be erected on a property under single ownership. 3) Request for a variance to construct a new 130'-7" seawall on LOTS 26. 27 & 28 which will be placed to the east of the existing seawall, which is east of the Town of Palm Beach Bulkhead Line 3'-11" at the south end and 2'-0" at the north end. The new seawall will be constructed east of the Town of Palm Beach Bulkhead Line by 6'-1" at the south end and 4'-1" at the north end. It is also proposed to be 2'-1" east of the existing seawall and align with the recently constructed seawall on Lot 29 in lieu of the 12" maximum allowed per Sec. 62-37 and Sec. 134-1701. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

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

Attorney Ziska provided details of the project.

Design Professional, Perry provided additional information.

Director Martin provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance No. Z-18-00169 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Special Exception No. Z-18-00169 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan Review Z-18-00169 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

3. Other

a. Request to Consider Ordinance No. 02-2019 Prior to 5:00 p.m. at a Public Hearing

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to approve request to consider Ordinance No. 02-2019 prior to 5:00 p.m. at a Public Hearing. On roll call, the motion carried unanimously.

b. Combination Projects and Informal Review at Landmarks Preservation Commission

Director Martin provided details of this request.

IX. ORDINANCES

A. First Reading

1. ORDINANCE NO. 2-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Adding A Definition Of Public Structure; Modifying The Definition Of Essential Services To Include Town-Owned Municipal Buildings And Structures, And Modifying The Definition Of Lot To Exclude Town-Owned Or Town-Leased Property; At Article IV, Nonconformities, Section 134-416, Continuation; Definition; Intent, To Exempt Town-Owned Municipal Buildings And Structures Which Are At Least Fifty (50) Years Old From Article IV, Nonconformities, Division 3, Buildings And Structures; At Article VI, District Regulations, Sections 134-790. 134-840, 134-890, 144-945, 134-1000, 134-1055, 134-1109, 134-1159, 134-1209, 134-1259, 134-1304 And 134-1354 To Add Essential Services Related To Town-Owned Municipal Buildings And Structures In All Zoning Districts As A Special Exception Use And Renumbering The Special Exception Uses In Those Sections; Article VIII, Supplementary District Regulation, Section 134-1697, Structures Over Lake Worth By Adding "Buildings" Into The Title And To Allow "Essential Services Related To Town-Owned Buildings And Structures" Over Lake Worth; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Director Martin clarified the intent of the ordinance.

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

2. ORDINANCE NO. 03-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks And Other Public Places, Town Code Of Ordinances, At Article VIII, Section 106 – 290 By Amending The Definition Of "Moveable Fixture" And At Section 106 – 292 By Amending The Title Of The Section And By Adding A New Subsection 106 – 292(17), Temporary Signs / Podiums Designating Passenger Loading Zones; Providing For Severability; Providing For The Repeal Of

Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Assistant Director Bergman briefly summarized the ordinance.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to approve Ordinance 03-2019 on first reading. On roll call, the motion carried unanimously.

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

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve Ordinance 04-2019 on first reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 05-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, Town Code Of Ordinances, At Article XI, Signs, Section 134 – 2372, General Regulations Applicable To Permitted Signs, By Adding New Subsections (12) And (13) Relating To The Nailing And Posting Of Signage And Blocking Ingress And Ingress With Signage; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, to approve Ordinance 05-2019 on first reading. On roll call, the motion carried unanimously.

X. ANY OTHER MATTERS

A. Council Member Araskog requested a study to see if a variance is required for items such as Z-18-00168 . *A request for a flood plain variance in order to renovate a landmarked residence with a finished floor elevation of 5.68 North American Vertical Datum ("NAVD") in excess of 50% of the market value of the residence per section 50-114 of the code.*

XI. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of February 13, 2019 was adjourned at 4:55 p.m.

APPROVED:

_____

Danielle H. Moore, Town Council President

ATTEST:

_____

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON THURSDAY, FEBRUARY 14, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council Meeting was called to order on Thursday, February 14, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

Item No. XII.B.3. was taken out of order and heard immediately after Item VIII.

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Thomas Mettler Scholarship Fund.
Jay Boodheshwar, Deputy Town Manager

Mayor Coniglio introduced the Mettler family and spoke regarding the late Thomas Mettler who was a former Town Council Member and longtime resident.

Chris Mettler, son of Thomas Mettler, spoke on behalf of the family and presented the donation of the Thomas Mettler Scholarship Fund. He spoke regarding his

father's history in the Town and the reasons for the establishment of the scholarship program.

Motion was made by Council Member Lindsay and was seconded by Council President Moore to accept the donation to the Thomas Mettler Scholarship Fund. On roll call, the motion passed unanimously.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio introduced Daniel Mulhall, Ireland Ambassador to the United States. He spoke regarding the Irish economy and the business climate between Ireland and Florida. He also mentioned that an Irish Consulate would be opening next year in Miami.

Mayor Coniglio announced the retirement of Officer Gino Silvestri and wished him well. She congratulated Council Member Zeidman for her hard work on the Public Safety Committee in identifying the employee compensation issues and provided solutions. She thanked Laurel Baker from the Palm Beach Chamber of Commerce and the Planning, Zoning and Building Director Josh Martin for stepping up to the plate to help improve the relations between the Town and the business community. She also thanked Council Member Lindsay for her efforts on the green initiative.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Moore announced that the Town Council is replacing the use of plastic water bottles with aluminum bottles and straws in order to be more eco-friendly. She also recognized the one-year anniversary of the Parkland High School shooting and requested that everyone use this day to reflect, remember and practice gratitude with family.

Council Member Lindsay thanked the co-sponsors and panelists of the "Where Have All the Songbirds Gone" discussion. She recognized Town resident Bill Metzger for his talent on filming important projects and discussions here in Town Hall. She announced that he will be condensing the 80 minute long discussion that took place into a 10 minute video.

Bill Metzger, 277 Esplanade Way, spoke regarding a compilation project he is currently working on called "A Living History" that contains interviews and other important programs that are happening within the Town.

Council Member Araskog thanked the Mayor and Council Member Bobbie Lindsay for their efforts with organizing the panel discussion and raising awareness of the green initiative. She thanked Deputy Town Manager Jay Boodheshwar and the Planning, Zoning and Building Director Josh Martin for their efforts on improving the Town's relationship with the business community.

Council Member Zeidman thanked Town Manager Kirk Blouin and Council Member Bobbie Lindsay for their efforts on the green initiative.

VIII. COMMUNICATIONS FROM CITIZENS

Nicki McDonald, 250 Bradley Place and Underground Utilities Task Force member, provided a progress update on the proposed chicane issues and securing of easements. She spoke regarding her efforts to educate the residents on the chicane and transformer issues along with the Underground Project Manager Steve Stern.

Donald Singer, 2295 S. Ocean Blvd., Co-Chair of the Palm Beach Citizens Association, invited everyone to their annual meeting on February 21, 2019.

Patti Sans, Greater South County Road Association, spoke regarding holding events on a monthly basis at the memorial fountain. She announced the date and time for an upcoming event at the Memorial Fountain and invited the residents and Town Council members to attend.

IX. APPROVAL OF CONSENT AGENDA

Council Member Lindsay requested that Item IX. C.1 be pulled from the agenda and placed under Item XII. C.1.

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

A. MINUTES

1. Town Council Meeting Minutes
   Kathleen Dominguez, Town Clerk

   a. December 12, 2018, Town Council Development Review Meeting Minutes
   b. January 8, 2019, Town Council Meeting Minutes
   c. January 9, 2019, Town Council Development Review Meeting Minutes
   d. January 11, 2019, Special Town Council Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Commission at its Meeting of January 23, 2019.
   Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 02-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Bid No. 2019-05, Supply, Delivery And Installation Of Dune Vegetation To Aquatic Plants Of Florida, Inc. In The Amount Of $80,586.75 And Award A Project Budget Of $85,000.

Dean Mealy, Purchasing Manager

2. RESOLUTION NO. 04-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring The Results Of The Town Caucus; Directing The Town Clerk Of Said Town To Place The Names Of Certain Candidates On The Official Ballot For The General Election To Be Held In Said Town On The Twelfth Day Of March 2019; Adopting The Official Ballot To Be Used In Said Election; Authorizing The Town Clerk To Arrange For Voting Equipment To Be Used In Said Election; And Directing The Mayor Of Said Town To Issue A Proclamation Of Said Election, Naming Therein The Candidates Nominated And Named In The Resolution; And, Designating The Town Clerk And Deputy Town Clerk Of The Town Of Palm Beach And The Supervisor Of Elections Of Palm Beach County, Or Their Designees, To Serve As The Canvassing Board.
Kathleen Dominguez, Town Clerk

3. RESOLUTION NO. 06-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Sea Turtle Nesting Monitoring Contract with D.B. Ecological Services, Inc. through FY2020, in a Project Amount of $200,000 for FY2019 and $200,000 for FY2020, Contingent Upon Funding by the Approved Budget.
Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 07-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2019-06 for the E-3, E-4 and G-9 Liftstation Improvements Project and Approving a Construction Contract to Southern Underground, Inc. in an amount of $1,190,050, authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings, and Establishing a Construction Phase Budget of $1,300,000, including Contingency for Both Construction and Owner
Direct Purchasing.
Dean Mealy, Purchasing Manager

C. OTHER

1. Authorization of Ordinances, Rules, and Standards Committee to Discuss a Potential Ordinance to Prohibit Plastic Straws. – ***PULLED FROM CONSENT***
Jay Boodheshwar, Deputy Town Manager

2. Appointment to MINI PERC Commission per MINI-PERC Ordinance Appendix "A", Section 1.003.
Danielle Olson, Director of Human Resources

3. Budget Calendar for FY20 Budget Process.
Jane Le Clainche, Director of Finance

X. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Investment Advisory Committee.
Michael Andrews, Chair

Chair Andrews provided the annual report.

In response to a question from Council Member Crampton, Director Le Clainche provided the Town's investment benchmarks and the indexes for each of the Town's investment funds and surplus fund earnings.

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

XI. COMMITTEE REPORTS

A. Report of the Public Works Committee Meeting Held on December 21, 2018.
Bobbie Lindsay, Chair

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

B. Report of the Public Safety Committee Meeting Held on January 30, 2019.
TIME CERTAIN: 2:00 P.M.
Margaret A. Zeidman, Chair

(Clerk's note: Due to this its time certain, this item was heard immediately after Item XII. A. 3.)

Chair Zeidman provided an overview of the report. She provided background history on the compensation and pension reform from 2012 and the impact it had on the attrition rate for public safety employees. She announced that the Benefits and Compensation Study by Evergreen Solutions will be available on March 19, 2019 and outlined the Public Safety Committee's suggestions for improving the compensation and benefits for public safety employees.

Nicholas Caristo, Acting Chief of Police, presented the data on the Police Department's attrition rate and separation trends of sworn personnel over the past twenty years which included resignations and retirements.

Kirk Blouin, Town Manager, summarized the current issues with the police department's high-turnover rate for the low ranking police officer positions and how it impacts training and succession planning.

Darrel Donnato, Fire Rescue Chief, spoke regarding the historic turnover rates in the Fire Department before and after the 2012 pension changes. He provided the data on the current attrition rate, the reasons for the separations and the current challenges with retaining quality fire-rescue members, department promotions and recruiting efforts.

William Hanes, Pension Administrator, provided a brief history on the pension program for public safety employees and the turn-around time for analyzing the proposed pension scenarios once the data from the study by Evergreen Solutions becomes available.

Discussion ensued regarding the timeline and process for analyzing the Evergreen report and any internal collected data in order to fast track and make decisions for the public safety pension and compensation changes.

Public Comment:

Jack McDonald, former Town of Palm Beach Mayor, spoke regarding the negative impact that the pension reform decisions had on the staff and recommended that the Town Council send the strong message now that changes are coming.

In response to a question from former Mayor McDonald, Town Manager Blouin provided the proposed timeline for the decision making process and the implementation of any new changes to the pension.

David Duffy, Public Safety Committee Chair for the Palm Beach Civic Association, spoke regarding the purpose of the Public Community Education and Information Campaign for first responders and issues that impact them. He offered support and thanked the Town Council for their efforts.

John Scarpa, Tim Moran, and President of the Palm Beach Police Foundation, spoke in support of a 10 year S.T.E.P. program and a 25 year retirement plan to fairly compensate and retain fire and police employees.

Bob Wright, Palm Beach Civic Association, spoke in support of raising taxes to improve the public safety turn-over issues.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to approve the report. On roll call, the motion passed unanimously.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to direct the Pension Administrator to take the following scenarios to the Actuary for cost analysis: a 25-year service normal retirement

plan and a 30-year service normal retirement plan for police officers and firefighters. On roll call, the motion passed unanimously.

It was the consensus of the Town Council to direct staff to continue to work on options to address pay progression, compression and inversion issues and determine the budget impact for implementation of a 48-hour workweek for firefighters.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to convene a Special Town Council Meeting on April 1, 2019 to review the pay and benefit data provided by the Evergreen Report and discuss how to proceed in response to the findings. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Proposed Town Sponsorship of Business Association Special Event on 4th of July 2019 to be Hosted by the Main Street Association.
   Richard Zaretsky, Rotary Club President

   This item was deferred to the April 9, 2019, Town Council Meeting.

2. Worth Avenue Pilot Valet Parking Program Update.
   Daren Rubenfeld, Worth Avenue Association

   Daren Rubenfeld, Attorney, 247 Worth Avenue, provided an update on the usage and success of the pilot valet parking program for Worth Avenue since its start on December 10, 2018. He reported that the response so far from the merchants, shoppers, Worth Avenue Association, local residents, employees and store owners has been overwhelmingly positive.

   Discussion ensued regarding how to address the lack of available parking spaces taken by store employees and delivery trucks.

   Mayor Coniglio recommended partnering with the local hotels to educate new visitors and spoke regarding on-season vs. off-season solutions to assist with employee parking.

   President Moore shared her experience using the valet service in December for Christmas shopping as positive and less stressful. She expressed her appreciation to Mr. Rubenfeld and Jane Holzer for introducing and implementing the pilot program.

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

Director Brazil described two challenges that were identified during the permit application process that will delay the project. He spoke regarding the modifications that were recommended by the United States Army Corps of Engineers (USACE) to modify the size of the boats slips and the length of the docks. He reported the second challenge was due to a FP&L cable line that was recently identified in the plans that will present a risk for contractors during the dredging process. He noted that the FP& L cable line will need to be addressed at a future meeting and introduced the project consultant, Gordon Thomson.

Gordon Thomson, Baird & Associates, presented alternative concepts to the master plan, which included the bidding process and construction timeline for each concept.

Discussion ensued regarding each concept, the need for consistency with the original layout, maximizing revenue and keeping construction costs down.

In response to questions from Mayor Coniglio, Director Brazil provided a timeline on the approval of the town docks design concept, when the guidelines were provided from USACE, and when the FPL cable issue was identified. He also spoke regarding the inconsistency with the input provided from USACE during the pre-application process versus the actual permitting process.

Mayor Coniglio expressed her concerns with the lack of due diligence in identifying the problems earlier on.

Council Member Lindsay spoke regarding the challenges with environmental permits and the selection committee process.

In response to a question from Council Member Lindsay, Mr. Thomson confirmed that the Palm Way dock could accommodate medium to larger sized boats. He also provided the estimated timeline and next steps involved should the permit process be unsuccessful.

Council Member Araskog expressed concerns with the delay in the permit process, how it will affect revenue; and concerns with the design.

Town Manager Blouin confirmed that the re-design is intended to meet market needs and that the Palm Way dock will be able to accommodate large boats that are smaller than 90 feet.

Director Brazil disclosed that Florida Power and Light (FP&L) has been very responsive to the Town as they address the cable line issue; and he will report on the solutions to that issue later.

Rick Gonzalez, AIA Architects, presented the architectural plans and drawings for the new Town Dock buildings that included input provided by ARCOM at their meeting on January 23, 2019.

Discussion ensued regarding the possibility of lifting the foundations of the buildings to reduce flooding and the importance of the aesthetics.

In response to a question from Council Member Lindsay, Mr. Thomson explained that the building foundation will be increased by 1 foot and possibly more.

Peter Nichols, 369 South Lake Drive, expressed concerns with the increase in the volume of foot traffic from the boat service staff and commercialization of the area and how it will impact the park with increased foot traffic.

In response to Mr. Nichols's comments, Director Brazil confirmed that there are no changes being made to the existing parking lot and will look into providing alternative drop off options for the boat crew staff in order to mitigate the foot traffic.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve Concept #3 as the modified plan with the condition that staff works with the Woods Hole Group on the appropriate building elevation levels. On roll call, the motion passed unanimously.

4. Town-wide Undergrounding Project:
Steve Stern, Project Manager

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

      Patricia Strayer, Town Engineer, provided a status update on the undergrounding project; she provided an overview of the locations and costs related to shielding LED lights.

   b. RESOLUTION NO. 09-2019 A Resolution of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying The Selection Committee Recommendation For RFQ No. 2019-03, For The Town-Wide Overhead Utility Undergrounding Phase 2 And Phase 3 To Kaufman Lynn Construction, Inc.
   Dean Mealy, Purchasing Manager

      Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve Resolution No. 09-2019. On roll call, the motion passed unanimously.

5. Update on the Compensation and Benefit Study.

Danielle Olson, Director of Human Resources

Director Olson provided a progress update on the compensation and benefits study and announced that the results will be available in March.

6. Coastal Update
H. Paul Brazil, P.E., Director of Public Works
TIME CERTAIN: 10:00 A.M.

a. Shore Line Condition Update.

Rob Weber, Coastal Program Manager, provided a presentation on the shoreline conditions for each reach.

In response to a question from Mayor Coniglio, Mr. Weber provided a nearshore dredging project update.

b. Presentation of Coastal Vulnerability Study.
Bob Hamilton, Woods Hole Group

Bob Hamilton, Woods Hole Group, presented the results of the Coastal Flood Vulnerability Assessment, which included ways to mitigate flood risks for the entire Island.

Discussion ensued regarding the multiple components included in the study and how the information factors into storm management, project planning, budgeting and the Town's current storm drainage system.

It was the consensus of the Town Council to defer this matter to future meeting.

B. New Business

1. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter and Approval of Addendum to Professional Employment Agreement.
Kirk W. Blouin, Town Manager

Town Manager Blouin provided an overview of his accomplishments during his first year as the Town Manager and requested that 6% of his eligible raise be paid into an ICMARC deferred compensation plan.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to appoint the Town Manager pursuant to Section 4.02(b) of the Town Charter and approve the Addendum to the Professional Employment Agreement. On roll call, the motion passed unanimously.

2. RESOLUTION NO. 10-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying the Fiscal Year 2017-18 Collective Bargaining Agreement Between the Town and the International Association of Fire Fighters, Local 2928.
Danielle Olson, Director of Human Resources

Director Olson provided an overview of the resolution.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to approve Resolution No. 10-2019. On roll call, the motion passed unanimously.

3. Consideration of scheduling an Attorney/Client Session immediately following the Town Council meeting on Thursday, February 14, 2019, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to discuss the following matter: Palm Beach County and the Town of Palm Beach vs. City of West Palm Beach, Case No. 18-4773GM. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Danielle H. Moore; Town Council President Pro Tem Margaret A. Zeidman; Town Council Members Julie Araskog, Lewis S. W. Crampton, Bobbie Lindsay; Town Manager Kirk Blouin; Town Attorneys John C. Randolph and Karl J. Sanders, and Pleasanton, Greenhill, Meek & Marsaa Court Reporters.
John C. Randolph, Town Attorney

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

Town Attorney Randolph requested approval to meet in a closed-door session immediately following today's meeting in order to discuss the above matter.

Motion was made by Council Member Araskog and was seconded by Council Member Moore, to approve the scheduling of the Closed-Door Session. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda

1. Authorization of Ordinances, Rules, and Standards Committee to Discuss a Potential Ordinance to Prohibit Plastic Straws
Jay Boodheshwar, Deputy Town Manager

Council Member Lindsay proposed revisiting the potential banning of plastic bags in light of the recent ordinance that was passed in the City of Gainesville. She referenced the Town's previous hold on banning plastic bags after the City of Coral Gables was sued for passing a similar Ordinance. She asked the Town Attorney if there was any conflict with

State law should the Town decide to prohibit single-use plastic bags.

Town Attorney Randolph recommended that the Town Council wait a few months for the outcome of the Coral Gables lawsuit before passing a ban on plastic bags.

Council Member Lindsay asked the Mayor to write to the Governor about allowing coastal communities to ban plastic bags if there is no outcome reported from Coral Gables.

It was the consensus of the Town Council to authorize the Ordinances, Rules and Standards Committee to study the potential ban on plastic straws.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 01-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, As Follows: At Article XIV, Numbering Of Premises, By Adding Section 18-967 That Will Provide Language For The Naming And Renaming Of Streets, Vias And Alleys; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.
   Josh Martin, Director Planning, Zoning & Building

   Town Attorney Randolph read the ordinance into the record.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to adopt Ordinance No. 01-2019. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 06-2019 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, by Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
   Kirk W. Blouin, Town Manager

   Town Attorney Randolph read the ordinance into the record.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to adopt Ordinance No. 06-2019. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 07-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places; Article II, Streets; Section 106-48, Unlawful To Solicit From Public Streets, Making It Unlawful To Solicit From Public Streets Or Sidewalks In The Town; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Josh Martin, Director of Planning, Zoning & Building

Town Attorney Randolph provided an overview of the emergency ordinance which will go into effect immediately upon approval.

Discussion ensued regarding the enforcement and penalties for violating this section of the Code.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to adopt Emergency Ordinance No. 07-2019. On roll call, the motion passed unanimously.

XIV. ANY OTHER MATTERS - *NONE*

XV. ADJOURNMENT

There being no further business, the February 14, 2019 Town Council meeting was adjourned at 4:30 p.m.

APPROVED:

_____
Danielle H. Moore
Town Council President

ATTEST:

_____
Kathleen Dominguez
Town Clerk

Date: _____

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON THURSDAY, FEBRUARY 14, 2019

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 4:35 p.m. on Thursday, February 14, 2019, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. Palm Beach County and the Town of Palm Beach vs. City of West Palm Beach, Case No. 18-4773GM

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

Town Council President Moore announced the following:

a) The Attorney/Client Closed-Door Session
b) The estimated time is forty-five minutes
c) The names of the persons attending:

Gail L. Coniglio, Mayor
Danielle H. Moore, Town Council President
Margaret A. Zeidman, Town Council President Pro Tem
Julie Araskog, Town Council Member
Lewis Crampton, Town Council Member
Bobbie Lindsay, Town Council Member
Kirk W. Blouin, Town Manager
John C. Randolph, Town Attorney
Karl J. Sanders, Town Attorney
Pleasanton & Marsaa, Court Reporting

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

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

The Special Town Council meeting was reconvened at 4:55 p.m., in the Town Council Chambers.

Motion was made by Council Member Araskog and was seconded by Council President Moore to authorize the Attorney, Terrell Arline, to file an appeal regarding the case Palm Beach County and the Town of Palm Beach vs. City of West Palm Beach. On roll call, the Motion passed unanimously.

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

V. ANY OTHER MATTERS – *None*

VI. ADJOURNMENT

There being no further business, the Special Town Council meeting of Thursday, February 14, 2019, was adjourned at 5:05 p.m.

APPROVED:

_____
Danielle H. Moore
Town Council President

ATTEST:

_____
Kathleen Dominguez
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Commission at its Meeting of February 27, 2019.

Presenter
Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated March 13, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Commission Meeting of February 27, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

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

Date: March 13, 2019

STAFF RECOMMENDATION

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

BOARD OR COMMISSION RECOMMENDATION

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

GENERAL INFORMATION

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

Attachment

JM:kmc

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

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

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

I. **CALL TO ORDER**

Mr. Vila called the meeting to order at 9:01 a.m.

II. **ROLL CALL**

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	PRESENT (left at 12:30 p.m.)
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:
John Lindgren, Planning Administrator
Kelly Churney, Secretary to the Architectural Review Commission

III. **PLEDGE OF ALLEGIANCE**

Chairman Vila led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE JANUARY 23, 2019 MEETING**

Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the January 23, 2019 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Lindgren asked the Commission to move project B-008-2019, 320 S. Lake Trail to the beginning of the agenda, to follow Item VIII. Discussion Items.

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

VI. **ADMINSTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

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

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

There were no public comments heard at this time.

VIII. **DISCUSSION ITEMS**

1. Aesthetic Shielding of Comcast WIFI Equipment – Steven Stern/Patricia Strayer

Ms. Strayer provided an update to the Commission and informed them of the new Comcast boxes that will need to be placed around Town. She provided options of screening for the boxes.

Mr. Floersheimer asked if these services could be attached to the cellular poles. Ms. Strayer responded.

Ms. Grace asked Ms. Strayer if any alternatives were considered. Ms. Strayer explained what had been considered.

Mr. Vila recommended using a more natural material, such as Bamboo, for the screening. Ms. Strayer stated she had not considered Bamboo but would test the connectivity with Bamboo.

Mr. Corey asked about the proposed screens and questioned if they would hold up over time in the direct sun. Ms. Strayer responded. Mr. Corey thought the screening was a good idea but expressed some concern with durability of the material.

Ms. Catlin asked if the boxes could be made smaller. Ms. Strayer stated that was not a possibility. Ms. Catlin inquired if other colors were considered in the event a different color could be used to camouflage the box against a building. Ms. Strayer stated that they had not considered any other colors. Ms. Strayer stated she would look into other colors.

Mr. Ives asked if the boxes were netted due to connectivity issues. He questioned if the boxes could be solid. Ms. Strayer stated she would need to investigate this issue. Mr. Ives inquired more about locations that this equipment would be placed. Ms. Strayer provided more information. Mr. Ives felt there was a better alternative to hide the equipment than the proposed wrap.

Ms. Shiverick suggested a classic, wooden garden lattice, painted a dark green. She thought this would probably be cheaper. Ms. Strayer stated that more of the equipment would show through the garden lattice.

Ms. Catlin asked if these items could be placed on rooftops. Ms. Strayer stated that the Town does not have ownership but would talk to businesses to see if they would allow the equipment on the rooftop.

Mr. Vila asked if the locations had been identified. Ms. Strayer responded and stated they had not yet been identified.

Mr. Floersheimer asked if the box sizes were bigger than the size of the boxes on the poles. Ms. Strayer stated they were about the same size.

Mr. Vila recommended using artificial vegetation slipcovers. Ms. Strayer stated that Comcast said their signal would not get through the slipcovers. He recommended investigating the Bamboo.

Ms. Strayer stated she had many good ideas to investigate. Mr. Vila stated he thought Ms. Shiverick's suggestion to move to a dark green color was a good idea.

IX. PROJECT REVIEW

This project was moved to this position in the approval of the agenda, under Item IV.

B-008-2019 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW
Address: 320 S. Lake Dr. (a.k.a. Australian Ave.)
Applicant: Town of Palm Beach
Professional: Gordon Thomson/W.F. Baird & Associates Ltd.
Project Description: The Town of Palm Beach is proposing to demolish the existing Town Docks and three accessory buildings, expand the dock structures, construct a new bulkhead, and reconstruct the accessory buildings. The proposed project follows the Master Plan approved by Town Council on March 20, 2018.
Building "A" is located at the Australian Dock. It is currently a two-story building and located west (waterward) of the bulkhead. The building has 496 s.f. of interior space but sits on a 640 s.f concrete pad, which is pile supported. It is proposed to demolish the building, the pad and the piles due to deterioration of the concrete and poor condition and layout of the building. A new building will be constructed on an identically shaped 640 s.f. concrete pad will be installed 24 feet north of the existing pad. The new building will be reduced to one story and have 474 s.f. of interior space. It will have two toilets, a lounge and a storage area. It will have a Mediterranean Revival style architecture.
Building "B" is located at the Brazilian Dock. It is currently a one-story building and located west (waterward) of the bulkhead. The building sits on a 528 s.f concrete pad, which is pile supported, and has 505 s.f. of interior space. It is proposed to demolish the building, the pad and the piles due to deterioration of the concrete and poor condition of the building. A new 528 s.f. concrete pad will

be installed 5 feet north of the existing pad. There will be 550 s.f. of interior space. The new building will house the Dock Masters office, general office, police office, two toilets, and a storage area. It will have a Mediterranean Revival style architecture.
Building "C" is located at the Peruvian Dock. It is currently a one-story building and located east (landward) of the bulkhead. The building is 160 s.f. There is a sitting area to the north of the building with a metal framed canopy, and garbage storage area to the east. It is proposed to demolish the building due to the poor condition of the building and replace it with a 558 s.f. building that has 255 s.f. of interior space. The remainder of the building will be a covered patio to replace the metal canopy. The new building will have a toilet, storage area and mechanical room. It will have a Mediterranean Revival style architecture.
We request a special exception from Sec 134-1697 that restricts the construction of structures, except docks, west of the established bulkhead.
The existing docks are fixed and will be replaced with floating docks. The existing docks have 80 slips and 606 feet of marginal side tie (equivalent to 3 slips). The proposed docks will have 83 slips and 1,611 feet of marginal side tie (equivalent to 7 slips). The parking lots will be repaved and striped to follow the existing layout. FOB operated arm gates will be installed to better control parking.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW INFORMATION: The application of PALM BEACH TOWN OF, Owner, relative to property located at 320 S LAKE DR SUITE: SITE, legal description on file, is described below. The Town is requesting a special exception with site plan review to reconstruct and expand the Town dock facilities. The reconstruction of the docks include adding additional dock lengths, larger slips; an additional dock; the redesign and reconstruction of the three existing dock buildings; the resurfacing and restriping of the associated parking lots; minimum relocation of driveway entrances, and the building a new seawall in front of the old one.

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

Rick Gonzalez, REG Architects, presented the architectural plans for the new Town docks as well as the three buildings proposed for the area.

Ms. Grace thanked the architect for the changes since the last presentation. She stated she liked the pecky cypress columns. She asked Mr. Gonzalez if he had considered other colors for windows and trim. Mr. Gonzalez stated that he had tried to match the existing building but could consider the bronze of the dock master building.

Mr. Vila asked about the material proposed for the doors. Mr. Gonzalez stated that the doors proposed were wood. Mr. Vila questioned if a different material, such as aluminum, should be considered due to the buildings' location on the water.

Mr. Small thanked the architect for the changes made. He noted that the location was a visible and special location. He wondered if the Town considered using

one or more of the buildings for commercial purposes, such as a restaurant, in this area. Gordon Thompson, Design Engineer with W.F. Baird & Associates, stated that in the master plan phase, this was considered but the Recreation Board made the decision that they specifically did not want this used as a commercial location.

Mr. Vila stated that he understood that the building uses were only for the people who use the docks. Mr. Gonzalez stated that was correct. Mr. Vila asked if there was fencing to keep the public out of the area. Mr. Gonzalez stated that the renderings do not show the fencing but there would be fencing. Mr. Thompson explained the gates and the locations of the gates. Mr. Vila asked if the public would have access to the bathrooms and loggias. Mr. Thompson addressed each building and how each building would be accessed.

Mr. Garrison asked if we lost any docks. Mr. Thompson responded and explained the current plan proposed. Mr. Garrison stated at the last meeting, Mr. Vila suggested using the bridge facilities as an inspiration for the buildings but he did not see any of that inspiration in the proposed changes. He expressed concern that the plans did not reflect the correct changes in the docks and the gates proposed. Mr. Thompson discussed the proposed dock slips.

Mr. Vila asked about the largest yacht size that the docks would eventually be able to accommodate. Mr. Thompson responded.

Ms. Catlin stated she liked the changes but expressed a strong concern that all elevations should have an equal architectural presence. She believed that the Town needed to set the example. She expressed the concern that the east elevation was the weakest and need to be stronger for passersby. Mr. Vila agreed.

Mr. Corey stated he agreed with Ms. Catlin as well. Mr. Corey stated he would like to see the landscaping plan, including gates and docks. He thought Mr. Vila's suggestion to use aluminum on doors and the windows was a good suggestion. Mr. Corey's suggestion for the Brazilian Dock building were to enlarge the finials and to put them on the front and back ridge points. He thought the 14" columns on the first floor proportions were incorrect, the entablature and the width of the columns do not tie together. He recommended using cypress columns throughout. He thought the iron bracket supports were too busy. He thought the bathroom windows were too small and should be a different and more interesting shape. He recommended opening up the exterior staircase on the second story. On the Australian Dock building, he suggested that the columns were too thick for the entablature. He made a suggestion for the porch overhang. The Peruvian Dock building, he thought the covered patio was heavy and bulky. He also thought the windows were too small and should be a different and more interesting shape. Mr. Vila agreed with Mr. Corey's assessments.

Ms. Shiverick suggested that the professionals consider a British Colonial style for the buildings. She thought this style could work nicely in this location.

Mr. Vila stated he generally supported the direction of the buildings. He thought the Brazilian dock building was the least successful. Mr. Vila also thought the main façade needed to be on the east side, which is the street side. He recommended that the dock master's office should have large windows, so that he can see everything. Mr. Vila added that detailing on the buildings was key to the design.

Ms. Grace stated she preferred staying with the Mediterranean style buildings.

Mr. Corey agreed with Ms. Shiverick but also thought these buildings were heading in a good direction. He recommended studying the two pavilions that The Breakers just built in the lawn area as an inspiration.

Pat Segraves, 2500 S. Ocean Blvd., thought the fencing and landscaping would be important with this design.

Mr. Floersheimer asked about the new palm way dock and asked about its use. Mr. Thompson provided more explanation for this dock.

Mr. Ives made a broad comment that the buildings could look more like what the buildings intended use would be.

Mr. Garrison asked if the palm way dock would be a daily used dock or leased. Mr. Thompson stated it would be leased.

Paul Brazil, Director of Public Works, stated that the docks would be used as they are used today.

Motion made by Mr. Small and seconded by Mr. Ives to approve the demolition of the town docks and three accessory buildings.

Julie Araskog, 1490 Via Manana, questioned the demolition timeline.

Mr. Brazil discussed the demolition timeline.

Motion carried 4-3, with Ms. Grace and Messrs. Corey and Vila opposed.

A second motion made by Mr. Garrison and seconded by Ms. Grace to defer the project for one month to the March 27, 2019 meeting to restudy the project based on the comments from the Commissioners. Motion carried unanimously.

A. DEMOLITIONS AND TIME EXTENSIONS

B-007-2019 Demolition
Address: 205 Via Tortuga
Applicant: Dan and Karen Swanson
Professional: Carol Perez/AGT Land
Project Description: Demolition of all existing structures. Perimeter property line walls to remain.

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

Maura Ziska, attorney for the owner, read the demolition report for the existing structures and presented the proposed demolition for all of the existing structures.

Mr. Floersheimer asked about the Ficus tree on the property that was completely defoliated.

Dan Swanson, owner, stated that he believes the condition is fine and stated that the trees are important to him.

Motion made by Mr. Small and seconded by Mr. Zukov to approve the demolition as presented with the following caveats: remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. Motion carried unanimously.

B. MAJOR PROJECTS – OLD BUSINESS

B-003-2018 Demolition/New Construction
Address: 2291 Ibis Isle Rd. E.
Applicant: Lynne Eriksen
Professional: Roger Hansrote/ACI
Project Description: Demolition of an existing one story, CBS, 2547 s.f. ranch style single-family residence and swimming pool constructed in 1961. Construction of a new 3576 s.f. AC area one story single family residence with a 523 s.f. garage, swimming pool and associated landscaping and hardscape.

Project History:
April 2018 – Deferred to May 2018 at the request of architect.
May 2018 – Deferred to October 2018 at the request of architect.
October 2018 – Approved demolition. Deferred project for restudy to November 2018
November 2018 – Deferred project to January 2019 with the request to restudy the front entrance, window mullions and roof plan.
January 2019 – Deferred for one month with the request for a restudy.

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

Richard Leja, ACI, presented the architectural modifications to the home since the last presentation to the Commission.

Mr. Ives was in favor of the changes made by the professionals.

Ms. Grace thought the changes were good.

Motion made by Ms. Grace and seconded by Mr. Ives to approve the project as presented. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 6-1, with Mr. Corey opposed.

Mr. Zukov asked the Chairman if the Commission would eventually review landscape lighting. Mr. Lindgren discussed landscape lighting and the Code requires.

B-005-2019 Demolition/New Construction
Address: 244 Fairview Rd.
Applicant: 244 Fairview LLC
Professional: LaBerge & Ménard
Project Description: Demolition of existing one-story home, new two story, 4,857 sq. ft. home, painted white with gray standing seam roof, blue shutters.

A motion carried at the January meeting to approve the project as presented with the following caveats: the roof is changed to a bleached shingle wood shake roof, there is no Ficus used in the landscape material, the hedge is higher on the south elevation, the balcony railing on the front façade is simplified and to return to the February 27, 2019 meeting with a new front door design.

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

Mr. Ménard presented the architectural modifications for the newly proposed residence. He showed the Commission a material sample for the roof.

Mr. Zukov asked if a metal roof was proposed over the entrance. Mr. Ménard stated that a metal roof was proposed over the entrance.

Mr. Garrison stated he thought the changes were acceptable. He suggested that the shutter design should match the window design. Mr. Garrison thought the cement roof tile was a good compromise between the cedar shake and a metal roof previously proposed. He expressed concern with the white color proposed for the body of the home. Mr. Ménard suggested that he work with Ms. Shiverick to find a color acceptable for the body of the house.

Mr. Corey questioned the east/west cross section shown in the plans since the adjacent older house was not shown in the cross section. He also asked about the roof heights shown. Mr. Corey stated he still found the home busy and thought it could be simplified. He asked if the chimney was working or decorative. Mr. Ménard stated it was a working chimney. Mr. Corey suggested making the chimney more prominent.

Ms. Grace thought the wood shake roof would have softened the house. She stated she would like to see the proposed colors for house and shutters.

Ms. Catlin stated she was in favor of the changes. She stated she preferred the louvered shutters all around the house. Ms. Catlin inquired if there was a tile that would simulate a wood shake. Mr. Ménard stated he would prefer to use cement or metal but ultimately would follow the will of the Commission.

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

Ms. Shiverick stated she would be happy to discuss colors with the professional. She also stated the metal roof could be painted as well.

Mr. Corey asked if the professional could use a lighter shade of concrete could be used. Mr. Ménard stated there was a lighter shade available.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented with the following caveats: the use of all louvered shuttered, the use of a metal roof, the entry approved as proposed and the color of the home to be coordinated with Commissioner Shiverick. Motion failed 3-4, with Messrs. Garrison, Corey, Zukov and Ms. Grace.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project as presented with the following caveats: the use of all louvered shuttered, the use of a concrete roof, the entry approved as proposed and the color of the home to be coordinated with Commissioner Shiverick. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion passed 6-1, with Ms. Grace opposed.

Todd McLean, presented modifications to the landscape architecture.

Mr. Corey questioned the lack of plan in the mini-sets and stated he did not study the plan. Mr. McLean stated that the only items that changed on the plans were the items the Commission requested to be changed at the last meeting.

Mr. Garrison expressed concern about the wall and the footing. Mr. McLean explained the plan for the footing.

A second motion made by Mr. Small and seconded by Mr. Ives to approve the landscape and hardscape plans as presented. Motion carried unanimously.

Please note: The Commission took a short break at 10:41 a.m. The meeting resumed at 10:57 a.m.

C. MAJOR PROJECTS – NEW BUSINESS

B-004-2019 New Construction
Address: 101 Worth Ave.
Applicant: Kirkland House Condominium Association Inc. (Douglas Daft, Co-President)
Professional: Ralph Cantin Architect, Inc.
Project Description: Construction of 445 sq. ft. structure to house a 750 kW generator in western portion of the pool area, and related landscape improvements.

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

Mr. Cantin presented the architectural plans for the building to house the generator proposed.

Mr. Corey asked for clarification of the generator location. Mr. Cantin discussed the location and stated the reason for the location. He said he did not want to move the generator building because that would trigger the need for a variance.

Scott Brown, Landscape Architectural Design, presented the modifications for the existing landscape and hardscape.

Mr. Corey thought the plan was acceptable but stated that he could not support the synthetic grass proposed on the roof. Mr. Cantin responded and stated that the synthetic grass would be raised, allowing airflow and would not be placed directly on the roof.

Mr. Vila inquired if railings would be necessary for the steps. Mr. Cantin stated that they were required and that they were proposed.

Ms. Grace stated she was not in support of the synthetic grass as well. Mr. Brown stated he has used it before and discussed the uses. Mr. Vila asked if Mr. Brown

knew of any concerns with outgassing. Mr. Brown stated he did not know of any concerns.

Mr. Garrison asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Cantin stated he agreed to the dedication but the area had been already undergrounded.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 5-2, with Mr. Corey and Ms. Grace opposed.

B-006-2019 Additions/Modifications
Address: 166 Everglade Ave.
Applicant: Douglas Fabick and Lori Jo Hines
Professional: David J. Gengler
Project Description: Major renovation of and addition to an existing two-story single family residence including: new fenestration, new exterior impact doors and windows, new flat tile roof, new garage doors, new cast stone and stucco ornamentation, new covered terrace with outdoor fireplace and chimney, new mechanized drive gates and exterior site wall.

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

Mr. Gengler presented the architectural modifications proposed for the two-story residence.

Mr. Vila asked if the professional had sections of the home as well as a roof plan for the home. Mr. Gengler responded.

Mr. Zukov expressed concern for the different fenestration proposed. He also stated the door and window on the first floor, east elevation were not in line with anything on the second story. Mr. Zukov stated the window and doors were misaligned on the south elevation as well.

Ms. Grace agreed with Mr. Zukov's assessments. She expressed appreciation that the owner was working with the existing structure and not demolishing the home.

Ms. Catlin appreciated the effort to dress up the plain home. She questioned the chimney and thought it felt disconnected. She thought details had gone overboard and thought a restudy of the details was necessary.

Mr. Corey commended the owner for not demolishing the home. He thought the design worked well but thought it would be toned down and cleaned up. He

suggested scaling back the driveway gates. Mr. Corey also suggested that the pergola competed with the front door and thought it needed to be restudied.

Mr. Ives stated he was glad that the house was being renovated rather than demolished. He thought the details needed to be restudied.

Ms. Shiverick thought the details proposed were overdone and overbearing for the home. She thought the cast stone entablature on the loggia was very heavy and thick. She recommended changing the pier lights on the driveway posts to up lights. She asked if the professional brought a sample for the roof and garage door. Mr. Gengler stated he did not have a sample but discussed the material and colors to be used.

Mr. Small agreed with the other Commissioner's comments. He stated he shared some of the concerns that the detailing has gone too far but he believed the professional was heading in the right direction.

Mr. Garrison thought the proposed driveway gates were too wide. He recommended making them smaller. Mr. Garrison stated he agreed with Mr. Corey assessment about the pergola. Mr. Garrison recommended considering a color for the house, possibly a yellow. Mr. Gengler stated he would consider a color and would bring a sample at the next meeting.

Mr. Vila stated items for the professional to consider: a correct entablature, piers with cartouches, remove the lanterns from the piers, bring a roof plan, bring sections of the home, bring floor plans and restudy the pergola. Mr. Vila restated that he was glad that the home was being renovated but thought it still needed some restudy.

Motion made by Mr. Garrison and seconded by Mr. Ives to defer the project for a restudy for one month to the March 27, 2019 meeting based on the comments of the Commissioners and to allow the architect to return to the Commission with detailing, a roof plan, sections and samples. Motion carried unanimously.

B-009-2019 Addition/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 1055 N. Ocean Blvd.
Applicant: 3200 Washington, LLC
Professional: Pat Segraves/SKA Architect + Planner
Project Description: Addition of approximately 450 sq. feet on the north side of the second story to balance the roof line to correspond to the south side of the previously approved application to create a symmetrical design.

VARIANCE(S) INFORMATION: The applicant is proposing to add a 450 sq. feet addition onto the north side of the second story to balance the roof line to correspond to the south side of the

previously approved application to create a symmetrical design and is requesting a north side yard setback of 8 feet in lieu of the 15 foot minimum setback required to add the second story addition.

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

Joel Koeppel, attorney for the owner, explained the project and zoning request to the Commission and advocated for a positive recommendation to the Town Council.

Ms. Catlin stated she did not feel that there was a hardship for the variance.

Mr. Garrison asked for clarification for what was already built. Mr. Segraves provided further explanation and stated the neighbor to the north does not object to the proposed plan.

Ms. Grace stated that from an architectural standpoint, she did not feel that it had an adverse impact to the site.

Mr. Corey stated that in the beginning, he thought the residence was too large. He thought the addition exacerbates the situation.

Mr. Small agreed with Ms. Grace and thought the addition would enhance the property and the beauty of the structure.

William Rickman, 143 Clarendon Ave and owner, discussed his responsibilities with the easement on his property. He stated he is trying to balance the architecture of the home.

Mr. Zukov stated he agreed with Mr. Small. Mr. Zukov thought that balancing the building was worth the variance and none of the neighbors objected to the plan.

Motion made by Mr. Small and seconded by Mr. Zukov that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 6-1, with Mr. Corey opposed.

Mr. Clavijo, SKA Architect + Planner, presented the architectural modifications proposed to the previously approved new residence.

Mr. Vila asked about structural changes that had been made to sure the second floor was secure. Mr. Rickman discussed the changes made. Mr. Segraves provided additional information on the construction changes.

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

A second motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 6-1, with Mr. Corey opposed.

B-011-2019 New Construction
Address: 242 Dunbar Rd.
Applicant: Mr. & Mrs. Jeffery
Professional: MP Design & Architecture
Project Description: New two-story residence with hardscape, landscape and pool.

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

Michael Perry, MP Design & Architecture, stated he has been working with Austin Patterson Disston Architects on this new residence. Mr. Perry presented the architectural plans proposed for the new residence. Mr. Perry showed the Commissioners material samples proposed new residence.

Mr. Vila asked about the roof plan. Mr. Perry provided further explanation for the roof plan. Mr. Vila asked if the roof plan could be simplified. Mr. Perry responded.

Mr. Ives stated he was in favor of the home and design.

Ms. Grace stated she liked eclectic features in the design. She stated she was in favor of the corner window and the proposed cypress and outlookers. She questioned the lower wall to the right of the front entrance. Mr. Perry stated he could simply the front wall. She recommended making the windows smaller in the courtyard, second floor, overlooking the pool. She also recommended restudying the balcony mass overlooking the pool in the courtyard as well as reducing the four bays below the balcony to three bays.

Mr. Corey stated he felt the front low walls gave the house a bulky, heavy feel and thought they were overpowering. He suggested covering them with green or reducing the number of walls. He questioned the siting of the new house and wondered if it would look too massive on the street. Mr. Corey also thought the fenestration on the second floor was too large and added he thought the house could be simplified.

Mr. Garrison stated he liked the details on the home and thought it was a neat house. He expressed some concerned for the white color proposed for the home. Mr. Garrison asked where the downspouts would be located. Mr. Perry showed the Commissioners the locations where he would like to install the downspouts.

Ms. Catlin stated she was in favor of the house and thought it was fun and eclectic. She expressed concern for the east side and that it occurs like separate buildings. She believes this is due to the walls.

Ms. Grace suggested using a blue color for the body of the home, similar to the shutter color proposed.

Mr. Vila asked for an explanation on the bracket detailing on page A307. Mr. Perry provided further explanation. Mr. Vila thought the house was nice and was in favor of the home. He stated he was glad for the cypress proposed and stated he would love to see more cypress. Mr. Perry stated the front door was proposed to be cypress and most of the details were proposed to be cypress.

Keith Williams, Nievera Williams Design, presented the proposed landscape and hardscape plans for the new residence.

Mr. Vila stated he was in favor of the plan.

Ms. Grace asked about the proposed Green Island Ficus. Mr. Williams stated it would be used for the ground cover. Mr. Williams stated that they have proposed many plants to bring birds and bees.

Mr. Corey was in favor of the hardscape and landscape plan. Mr. Corey inquired about the proposed Joewood tree. Mr. Williams stated that a Joewood tree is a native tree and very slow growing, with a little different leaf. Mr. Corey stated that the plant list was great.

Please note: Mr. Vila noted that Mr. Small had to leave at 12:30 p.m. and Ms. Shiverick would be voting in the absence of Mr. Small.

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

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

B-012-2019 New Construction
Address: 880 S. Ocean Blvd.
Applicant: Mr. and Mrs. Alex Chesterman
Professional: MP Design & Architecture

Project Description: Proposal of two (2) one-story cabanas, pool, hardscape and landscape.

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

Michael Perry, MP Design & Architecture, presented the architectural plans for the two beach cabanas proposed.

Matt Jackman, Nievera Williams Design, presented the landscape and hardscape plans proposed for the two new beach cabanas.

Mr. Corey asked about the elevation of the existing beach cabana and the elevation of the new beach cabanas proposed. Mr. Perry explained the elevations. Mr. Corey stated he did not want the new cabanas to be higher of the newly proposed cabanas. Mr. Perry confirmed they would not be higher.

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

D. MINOR PROJECTS – OLD BUSINESS

A-004-2019 Modifications
Address: 535 N. County Rd.
Applicant: 535 North County Road LLC
Professional: Steve West/Parker Yannette Design Group
Project Description: Modification to previously approved planting design. Changes only occur in the center island of the motor court.

A motion carried at the January meeting to defer the project for one month to the February 27, 2019 meeting to allow the professional to select a different specimen for the motor court.

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

Mr. West presented the proposed tree specimen for the motor court and advocated for the tree.

Ms. Shiverick was in favor of the tree and that the tree proposed was being re-purposed. Mr. Zukov agreed.

Mr. Ives stated he was in favor of the tree.

Mr. Corey stated that the motor court was 5,000 square feet and that the proposed tree would not properly shade the motor court.

Ms. Grace stated she would prefer something more ample that would provide shade.

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

Mr. Garrison thought the tree was acceptable but for a smaller motor court.

Mr. Vila expressed the reasons he thought the tree would be acceptable. Mr. West explained the surrounding trees proposed and stated these trees would also provide shade for the motor court.

Motion carried 4-3, with Ms. Grace and Messrs. Corey and Garrison opposed.

E. MINOR PROJECTS – NEW BUSINESS

A-007-2019 Modifications
Address: 735 Island Dr.
Applicant: Ocean Island One, LLC (Joseph Marzilli, Manager)
Professional: Chuck Yannette/Parker Yannette Design Group, Inc.
Project Description: Landscape renovation plan with new landscape lighting and minor hardscape adjustments.

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

Mr. Yannette presented the modifications proposed for the landscape and hardscape plans for the residence.

Ms. Grace asked if the architect planned to install flowers for the birds and bees in place of the Ficus Benjamina. Mr. Yannette responded.

Mr. Vila expressed concern that the landscape plan is so clipped and formal. He asked if some informality could be interjected into the plan. Mr. Yannette stated that his clients like this type of plan.

Ms. Shiverick suggested the addition of an espalier. Overall, Ms. Shiverick stated she was in favor of the plan.

Mr. Corey stated he would support the landscape plan.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented. Motion carried 6-1, with Mr. Vila opposed.

A-009-2019 Modifications
Address: 680 S. Ocean Blvd.
Applicant: Richard Kurtz
Professional: John Lang, Lang Design Group
Project Description: Revisions to previously approved ARCOM plans. Move existing half circle entry drive apron east approximately 25 feet and add 6 feet

height site wall and drive entry columns to south property line, landscape hedging.

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

Mr. Lang presented modifications to the previously approved landscape and hardscape plan.

Mr. Lindgren stated that if the lights were to be placed on the piers, it would exceed the height limit. Mr. Lang stated he would remove them and change them into coach lights on the front of the piers.

Mr. Corey asked about the existing columns and the wall height. Mr. Lang further explained the design.

Ms. Grace asked for clarification on the new piers. Mr. Lang further explained the design. Ms. Grace stated she would prefer up lighting.

Mr. Ives stated he thought the plan was acceptable without lights on the piers.

Motion made by Mr. Ives and seconded by Mr. Garrison to approve the project as presented with the caveat that are no lights installed on the piers. Motion carried unanimously.

A-010-2019 Modifications
Address: 1632 S. Ocean Blvd.
Applicant: Maurice Pinsonnault
Professional: Keith Williams/Nievera Williams Design
Project Description: Approval for driveway material change from grass to synthetic turf.

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

Mr. Williams presented the landscape modifications to the existing driveway.

Ms. Grace recommended that the Commissioners visit the site because she thought the synthetic turf was unattractive.

Ms. Shiverick asked about the previously proposed driveway plan and suggested that to Mr. Williams to use that plan with synthetic turf between the stone in that plan. Mr. Williams stated that the driveway had already been installed.

Mr. Lindgren discussed how the driveway was turned in to Code Enforcement.

Mr. Corey stated he was not in favor of the synthetic turf and stated he could not support the project.

Mr. Ives asked about the reasons for the use of synthetic turf. Mr. Williams responded.

Mr. Vila was upset that it was installed without approval. However, he added that he would approve the project.

Mr. Garrison was also upset that the synthetic turf was already installed.

Ms. Catlin understood that although synthetic turf was not the optimal, she thought the green was preferred over the stone.

Ms. Grace thought that using synthetic turf in such a large amount was setting a bad precedence.

Mr. Ives asked if stabilized turf was an option. Mr. Williams explained the reason why that option would not work.

Ms. Catlin asked if more stone could be added.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month to the March 27, 2019 meeting for an alternative design. Motion carried unanimously.

X. OTHER BUSINESS

1. Landscape Discussion
   Josh Martin, Director of Planning, Zoning and Building, discussed how perimeter landscaping is treated during demolition. The ORS Committee wanted to know if the Commission felt that perimeter landscaping should be maintained throughout the entire demolition, regardless if it is invasive or native. The perimeter landscape changes would be made after the demolition process is completed. Mr. Martin asked the Commission for their opinion on this process.

   The Commissioners felt that they wanted to have something to protect the neighbors from construction, either landscaping or construction screening.

   Mr. Martin stated he would take their recommendations back to the ORS Committee.

XI. ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)

There were no comments heard at this time.

XII. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

Ms. Grace stated that the project at 535 N. County Rd. had Ficus Benjamina on their plant list. She inquired how we could make it known to their professional that they are not allowed to use that type of Ficus.

Mr. Lindgren stated he would reach out to the professional to let him know.

Mr. Vila stated he would not be at the March 27, 2019 meeting.

XIII. **ADJOURNMENT**

Motion made by Mr. Zukov and seconded by Mr. Ives to adjourn the meeting at 1:43 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, March 27, 2019 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 08-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $118,450, to Kimley-Horn for Construction Phase Engineering Services for the E-3, E-4 and G-9 Sanitary Pump Station Rehabilitation Improvement Project, and Establishing a Construction Phase Budget of $118,450, including Contingency.

Presenter
Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated March 5, 2019, from Dean Mealy, Purchasing Manager**
- **Kimley Horn Proposal**
- **Resolution No. 08-2019**

Information for Town Council Meeting on March 19, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Purchasing Manager

RE: Resolution Approving a Purchase Order to Kimley Horn for Construction Phase Engineering Services for the E-3, E-4, and G-9 Sanitary Pump Station Rehabilitation Improvement Project and Establish a Construction Phase Budget of $118,450 - **Resolution No. 08-2019**

DATE: 5 March 2019

STAFF RECOMMENDATION

Town staff recommends the approval of a Purchase Order to Kimley Horn for Construction Phase Engineering Services for the E-3, E-4, and G-9 Sanitary Pump Station Rehabilitation Improvement Project and Establish a Construction Phase Budget of $118,450.

SUMMARY EXPLANATION/BACKGROUND

Construction Phase Engineering Services are required to support the E-3, E-4, and G-9 Sanitary Pump Station Rehabilitation Improvement Project.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for this project will be $118,450.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research. A review of rotation of the established Civil Engineering firms was also verified.

TOWN ATTORNEY REVIEW

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

Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Jane Le Clainche, CPA, Director of Finance
Patricia Strayer, Town Engineer
Jason Debrincant, Senior Project Engineer

Kimley»Horn

January 14, 2019

Mr. Jason Debrincat, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Construction Phase Services Proposal – E-3, E-4, and G-9 Lift Stations*

Dear Jason,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the E-3, E-4 and G-9 Lift Station Improvements in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

The Town of Palm Beach is currently in the bid phase of the E-3, E-4 and G-9 Lift Station Improvements. The Town has requested Kimley-Horn to provide construction phase services for the project. The project is expected to begin in June 2019 and have a duration of approximately 5 months.

Scope of Services

Construction Phase Services

We will provide construction phase services for the project for the purpose of providing assistance to the Town during construction. We will employ the services of an electrical subconsultant to perform the below services that are related to the electrical improvements that are to be made at each lift station. We believe this to be the level of services required to provide the required regulatory certifications at the end of the project and determine if the project is being constructed in general accordance with the plans and specifications. Our construction phase services and fees are based on a project duration of five months.

Pre-Construction Services. We will perform the following services prior to commencement of Work at the Site.

- We will attend a Pre-Construction Conference prior to commencement of Work at the Site.
- We will provide the Contractor with up to four (4) sign and sealed copies of the plans for submittal of the building permit package. We will respond to one round of reasonable building permit comments received during the building permit review.

Progress Meetings. Kimley-Horn will attend up to fourteen (14) bi-weekly progress meetings during the anticipated 5-month project construction duration.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected 5-month construction duration in order to observe the progress of the Work (up to 78 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

The purpose of our site visits will be to enable us to better carry out the duties and responsibilities specifically assigned in this Agreement to Kimley-Horn, and to provide the Town a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Kimley-Horn shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall we have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Town, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. It is anticipated that 40 submittals will be required for review. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Substitutes and "or-equal." Kimley-Horn will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within

Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- We will provide field assistance during start up and testing for each of the three lift stations.

Kimley-Horn's review of such items will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Kimley-Horn shall be entitled to rely on the results of such tests and the facts being certified.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that six (6) applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

By recommending any payment, Kimley-Horn shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Kimley-Horn in this Agreement. It will also not impose responsibility on Kimley-Horn to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to the Town free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between the Town and Contractor that might affect the amount that should be paid.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Town and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of the Town, Kimley-Horn considers the Work substantially complete,

Kimley-Horn will notify the Town and Contractor. We anticipate completing the following items once the project is deemed substantially complete:

- We will review Record Drawings and Operation and Maintenance Manuals prepared by the selected contractor.
- We will prepare and submit the construction completion certifications for the FDEP permit if the construction is found to be in general accordance with the plans and specifications upon completion of the improvements.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. We will review and provide comments on the operation and maintenance manuals and project record drawings submitted by the contractor.

Limitation of Responsibilities. Kimley-Horn shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Kimley-Horn shall not have the authority or responsibility to stop the work of any Contractor.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Construction phase services including site visits, progress meeting attendance, pay application review, etc. for construction durations extending past those assumed in this proposal
- Surveying and Mapping
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements.

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

Kimley-Horn will perform the scope of services for the lump sum fee of $103,500.00. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. A breakdown of this fee is attached to this proposal.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 27, 2016, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach. We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\E-3, E-4, and G-9 Construction Phase\E-3 E-4 G-9 Liftstation Improvements - Construction Phase Services 20190114.docx

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	E-3, E-4, and G-9 Liftstation Improvements - Construction Phase	SHEET	1 of 1
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	JRL	DATE:	01/14/19
		ALLOCA	0.0000

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	P8 Principal	P7 Principal	P6 Sr. Prof. Eng	P4 Reg. Prof	P3 Eng. Prof.	P2 Eng. Prof.	P1 Eng. Prof.	N6 Sr. Support	T7 Sr. Field Rep.	SUB (C&W)	EXP	LINE TOTAL
Construction Phase Services												
Attend Town Precon Meeting Const Phase			3.0			1.5			3.0			$1,020
Prepare Plans for Building Permit			4.0		6.0							$1,360
Response to One Round of Permit Comments	1.0		4.0		8.0							$1,810
Site Visits (up to 78 visits)	6.0		48.0					12.0	234.0		$36	$37,680
Progress Meetings (up to 14 total meetings)	3.0		42.0					14.0	21.0			$11,568
Recommendation to defective work	2.0		8.0									$1,860
Clarifications, Recommendations, Substitutes	2.0		4.0					1.0				$1,240
Review Shop Drawings (up to 40 submittals)	2.0		40.0					20.0	40.0			$13,650
Review Payment Applications, Change Order Requests			12.0						3.0			$2,445
Start up and testing E-3			8.0						8.0			$2,320
Start up and testing E-4			8.0						8.0			$2,320
Start up and testing G-9			8.0						8.0			$2,320
Substantial Completion Site Visit Punchlist	1.0		9.0					2.0	9.0			$2,999
Final Completion			6.0						3.0			$1,395
Review record drawings and O&M Manuals			6.0						6.0			$1,740
Submit Construction Completion Certifications (FDEP)	0.5		6.0			6.0		2.0			$150	$2,074
Electrical Sub			4.0							15000.00		$15,700
												$0
												$0
												$0
												$0
												$0
TOTAL HOURS	**17.5**	**0.0**	**220.0**	**0.0**	**14.0**	**7.5**	**0.0**	**51.0**	**343.0**	**15000**	**186**	**$103,500.00**
LABOR ($/HOUR)	**230.00**	**225.00**	**175.00**	**135.00**	**110.00**	**100.00**	**95.00**	**79.50**	**115.00**	**1.00**	**1.0**	
ALLOCATION	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	
TOTALS	**4,025.00**	**0.00**	**38,500.00**	**0.00**	**1,540.00**	**750.00**	**0.00**	**4,054.50**	**39,445.00**	**15,000.00**	**185.50**	**$103,500.00**

RESOLUTION NO. 08-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF $118,450, TO KIMLEY HORN FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE E-3, E-4, AND G-9 SANITARY PUMP STATION REHABILITATION IMPROVEMENT PROJECT, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $118,450, INCLUDING CONTINGENCY.

WHEREAS; Public Works identified the need for Sanitary Sewer Pump Station Rehabilitation for E-3, E-4, and G-9, and;

WHEREAS; Purchasing has bid the project and recommended award which will require the construction phase engineering services; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of $118,450 to Kimley Horn for Construction Phase Engineering Services.

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

Section 1. The award of a Purchase Order to Kimley Horn in the amount of $118,450, is hereby approved.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 19th day of March, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 11-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Revised Fees Related To The Planning, Zoning & Building Department.

Presenter
Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated February 20, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- **Resolution No. 11-2019**
- **Exhibit A Fee Schedule**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Resolution 11-2019 – Master Fee Schedule

Date: February 20, 2019

STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council review the proposed changes to the Master Fee Schedule involving several PZB fees. Staff further recommends that the Town Council approve Resolution No. 11-2019 to implement the revised fees.

GENERAL INFORMATION

The next phase of changes to improve efficiency and customer service in the PZB Department comes in the form of simplifying and consolidating the numerous permits required on any construction project to just one permit per project. This has been a very time consuming proposition for the department and required significant software setup in the current EDEN system to accommodate the single permit process. New routing of applications through the review steps and new inspection steps has been completed in the permitting software. We are already working with several owners and contractors on the single permit process to monitor these new types of permits through the review, issuance, and inspection stages.

Since the goal is to transition to just one permit per project, thought was given to recapture the revenue that is currently generated via all of the extra permits and sub-permits. The current multipliers for building permits are 2.45% of project value for the first $2.5 million, then 1.8% of project value beyond $2.5 million. But these multipliers are not completely accurate, as there is a fee for each current sub-permit (minimum $79), plus drainage permit fees, floodplain permit fees, right-of-way permit fees, public works permit fees, fire permit fees, landscape permit fees, etc. Our practice in permitting up to now is much akin to booking a flight on almost any commercial airlines company or ordering a new European automobile. The base price seems reasonable, but everything else is an extra charge! In the past, every step of the permitting process resulted in a new permit. Issuing individual permits was the way to not only raise revenue, but to track every permit revision, reactivation, cost update, etc.

When we review the past five year's permit revenue and actual construction value tracked in EDEN (the permitting software program), the following real multipliers can be determined, based upon construction value reported to the department:

Fiscal Year	# of Permits	Permit Fees	Reported Construction Value	Multiplier
2014	8,311	$6,852,045	$221,501,354	3.09%
2015	9,070	$9,696,387	$326,440,671	2.97%
2016	8,974	$8,621,288	$291,023,375	2.96%
2017	8,457	$6,627,270	$239,090,949	2.77%
2018	11,060	$9,312,942	$345,185,808	2.70%

The average multiplier over the past 5 years is 2.9%.

Staff respectfully suggests shifting to a slightly larger multiplier as we start the one permit per project program, so that with this paradigm shift in permitting the anticipated revenues are not lost. Staff can monitor the new program over time and propose adjustments to the multiplier, as needed, in future years. The proposed starting multiplier is 3.0% of project value, and based upon possible annual construction values, this multiplier would generate the following permit fees:

Multiplier	Annual Expected Construction Value	Estimated Permit Fees
3.0%	$250 Million	$7.5 Million; or
	$300 Million	$9.0 Million; or
	$350 Million	$10.5 Million

Please note that for Fiscal 2019 the Town budgeted $8.92 Million in total permit fees to be collected. This does not include planning, zoning, ARCOM, Landmarks, etc. application and review fees.

It is difficult to determine the exact level of total construction activity for the current fiscal year. Over the first four months of this fiscal year (October, 2018 through January, 2019), the construction value is approximately $72 million. Over the first four months of the previous fiscal year (October, 2017 through January, 2018), the construction value was approximately $101 million. The prior fiscal year yielded approximately $52 million in construction value for the first four months of the fiscal year.

In addition to the proposed new multiplier for permit fees, a few other PZB fees have been modified or consolidated. Public Works has also proposed new fees to cover staff time and filing costs associated with the many agreements they prepare for drainage and stormwater management, driveway sand walkways, easements, wall maintenance, and right of way work.

FUNDING/FISCAL IMPACT

No anticipated Impact to the General Fund, as the goal is to remain revenue-neutral with this change, or a possible moderate increase in revenue.

STRATEGIC PLAN

The revised Master Fee Schedule is consistent with the Town's Strategic Plan, as the changes will help the Department become part of a more Responsive Town Government and will improve the Resident's Quality of Life by streamlining the Department, reducing bureaucracy and simplifying the building process.

COMPREHENSIVE PLAN

The proposed resolution is Consistent with the Town's Comprehensive Plan and with Florida Statute 163 (Florida's Community Planning Act).

SPECIAL CONSIDERATIONS

As the proposed changes to the Master Fee Schedule are non-substantive and are intended to eliminate self-imposed bureaucracies, staff believes it is in the community's best interest to expedite the proposed changes.

Resolution No. 11-2019 is ready for your consideration and approval.

Attachments

WRB

RESOLUTION NO. 11-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING REVISED FEES RELATED TO THE PLANNING, ZONING & BUILDING DEPARTMENT

WHEREAS, the Town Council has adopted the Town of Palm Beach Master Fee Schedule, and

WHEREAS, Town staff has proposed revisions to several of the Fees contained within the Master Fee Schedule.

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

Section 1. The Master Fee Schedule is revised with the changes found on Exhibit "A" (attached).

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach 19th day of March, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

EXHIBIT "A" - Town of Palm Beach

FEE CATEGORY	*FEE*	*DEPT*
BUSINESS TAX RECEIPTS		
BUSINESS TYPE:		
Abstractors of Title	$422.00	PZB
Accountant/Auditor/C.P.A., Firm (includes one professional)	$422.00	PZB
Accountant/Auditor/C.P.A.	$422.00	PZB
Adult Entertainment	$1,218.00	PZB
Administrative Office	$342.00	PZB
Answer Phone (support business services)	$422.00	PZB
Apartments (see Rental Dwellings)		
Architect	$422.00	PZB
Art Gallery, up to 400 sq ft	$179.00	PZB
Art Gallery, 401 - 2,000 sq ft	$422.00	PZB
Art Gallery, 2,001 - 4,000 sq ft	$487.00	PZB
Art Gallery, 4,001 - 8,000 sq ft	$973.00	PZB
Art Gallery, over 8,000 sq ft	$1,463.00	PZB
Artist	$324.00	PZB
Astrologer, Phrenologist, Crystal Reading, Palm Reader, Soothsayer, Fortune Teller and Clairvoyant	$442.00	PZB
Bakery	$211.00	PZB
Bank, Trust Company	$1,220.00	PZB
Barber	$161.00	PZB
Barber, Shop (includes one Barber)	$161.00	PZB
Beauty, Shop (see Cosmetology Salon)		
Bicycle Shop Rentals	$161.00	PZB
Bicycle Shop, Sales (see Merchants)		
Boat Dealer (Yacht Broker)	$324.00	PZB
Broadcasting Station (Radio or TV)	$469.00	PZB
Broker	$422.00	PZB
Brokerage/Investment Company (includes one Broker)	$1,220.00	PZB
Business Office Only (two people maximum)	$211.00	PZB
Car Rental Agency	$649.00	PZB
Catering	$211.00	PZB

EXHIBIT "A" - Town of Palm Beach

Chiropractor	$422.00	PZB
Coin-Operated Machines (inside, exclusive of newsracks)	$112.00	PZB
Consultant	$422.00	PZB
Contractor Office (Construction)	$469.00	PZB
Cosmetologist	$161.00	PZB
Cosmetology Salon (includes one Cosmetologist)	$161.00	PZB
Dance Instructor	$211.00	PZB
Dance Studio/School	$422.00	PZB
Dentist	$422.00	PZB
Dining Room, 40 chairs or less (hotel, business, etc.)	$211.00	PZB
Plus, for each chair up to 40	$3.30	PZB
Dining Room, over 40 chairs (hotel, business, etc.)	$422.00	PZB
Plus, for every chair	$3.30	PZB
Dining, Club (see Dining Room)		
Electric Light Company	$366.00	PZB
Employment Agency	$422.00	PZB
Engineer	$422.00	PZB
Facialist, Registered (FA) or Specialist (FB)	$48.00	PZB
Full Specialist	$48.00	PZB
Full Registration	$48.00	PZB
Gas Company	$366.00	PZB
Golf Course	$469.00	PZB
Health Studio	$422.00	PZB
Hotel, 10 rooms or less	$64.00	PZB
Hotel, more than 10 rooms	$64.00	PZB
Plus, each additional room	$7.72	PZB
Insurance Broker, Company/Agency	$422.00	PZB
Insurance Salesperson	$211.00	PZB
Interior Decorator	$422.00	PZB
Interior Designer	$422.00	PZB
Jeweler	$732.00	PZB
Law Firm (includes one Lawyer)	$422.00	PZB
Lawyer	$422.00	PZB

EXHIBIT "A" - Town of Palm Beach

Massage Therapist	$422.00	PZB
Massage Establishment (includes one Massage Therapist)	$422.00	PZB
Merchant, up to 400 sq ft	$179.00	PZB
Merchant, 401 - 2,000 sq ft	$422.00	PZB
Merchant, 2,001 - 4,000 sq ft	$487.00	PZB
Merchant, 4,001 - 8,000 sq ft	$973.00	PZB
Merchant, over 8,000 sq ft	$1,463.00	PZB
Mortgage Broker	$422.00	PZB
Mortgage Company	$422.00	PZB
Motor Scooter and Motorcycle Rental	$1,319.00	PZB
Music Service	$422.00	PZB
Nail Registration (FV) or Nail Specialist (FT)	$48.00	PZB
Newspaper (see Publisher)		
Nightclub, with Dance Floor	$1,218.00	PZB
Nightclub, without Dance Floor	$797.00	PZB
Nurse	$422.00	PZB
Nursing Agency (includes one Nurse)	$422.00	PZB
Optician	$422.00	PZB
Optometrist	$422.00	PZB
Parking Garage	$422.00	PZB
Parking Lot (see Chapter 22, Article VI, Parking Lots for further provisions)	$211.00	PZB
Pharmacist (Individual)	$422.00	PZB
Pharmacy (includes one Pharmacist)	$422.00	PZB
Photographer	$211.00	PZB
Physician	$422.00	PZB
Printing Company	$422.00	PZB
Profession, Not Listed	$422.00	PZB
Property Management	$211.00	PZB
Public Relations	$422.00	PZB
Publisher	$422.00	PZB
Real Estate Broker	$422.00	PZB
Rental Dwellings, per unit (minimum two units)	$41.00	PZB
Repair Shop (other than Auto Repair)	$422.00	PZB

Restaurant, 40 chairs or less	$211.00	PZB
Plus, for each chair up to 40	$3.30	PZB
Restaurant, more than 40 chairs	$422.00	PZB
Plus, for each chair	$3.30	PZB
Savings and Loan Association	$1,220.00	PZB
School, Private	$422.00	PZB
Security Agency, Private (includes one Security Officer)	$211.00	PZB
Security Officer, Private	$31.50	PZB
Service Station (includes Auto Repair)	$469.00	PZB
Services, Not Listed	$211.00	PZB
Swimming Pools, Public	$422.00	PZB
Talent Agency	$422.00	PZB
Taxicabs, each Company or Stand	$324.00	PZB
Telecommunications Company (formerly Telegraph)	$366.00	PZB
Telephone Company	$366.00	PZB
nothing in this chapter will be construed as requiring a license tax for coin-operated telephones		
Theater	$1,463.00	PZB
Plus, for each seat	$2.21	PZB
Travel Bureau/Agency	$422.00	PZB
Trust Agency	$1,220.00	PZB
Unclassified, Business Not Listed	$342.00	PZB
Veterinarian	$422.00	PZB
Veterinary Establishment	$422.00	PZB
TRANSFER FEE:		
Transfer BTR to New Owner or Location	10% of Fee, Max. $25.00	PZB

DATA PROCESSING SERVICES (LABELS)		
Data Processing/Address Labels Services	$50.00	PZB
Labels	$5.00/sheet	PZB
DEVELOPMENT REVIEW FEES		
ARCHITECTURAL REVIEW FEES:		
ARCOM Application, Major	$2,000.00	PZB

EXHIBIT "A" - Town of Palm Beach

ARCOM Application, Minor	$500.00	PZB
ARCOM Application, Staff Approval	$200.00	PZB
ARCOM Application deferral, Major	$250.00	PZB
ARCOM Application deferral, Minor	$100.00	PZB
ARCOM Appeal of Board Determination	$320.00	PZB
ARCOM Appeal of Staff Determination	$500.00	PZB
Landmark Application	$750.00	PZB
Landmark Application, Staff Approval	$150.00	PZB
Landmarks Appeal of Board Determination	$320.00	PZB
Landmarks Appeal of Staff Determination	$500.00	PZB
Landmark Tax Abatement Preparation Fee	$1,200.00	PZB
DEVELOPMENT REVIEW FEES:		
Appeal, Administrative Decision	$1,500.00	PZB
Comp Plan, FLUM Amendment, Small-Scale	$4,000.00	PZB
Comp Plan, FLUM Amendment, Large-Scale	$6,000.00	PZB
Comp Plan, Text Amendment	$3,000.00	PZB
DEP Permit Zoning Determinations	$300.00	PZB
Development Review Consultant Reports & Escrow	As Quoted	PZB
Kitchen Agreement	$150.00	PZB
Lot Split Application	$2,500.00	PZB
Outdoor Seating Permit, Administrative Approval	$200.00	PZB
Outdoor Seating Permit, Administrative Approval, Renewal	$50.00	PZB
Plat	$5,000.00	PZB
PUD Application	$3,500.00	PZB
Replat	$4,000.00	PZB
Site Plan Review, Administrative	$1,500.00	PZB
Site Plan Review, All SFD; and PUD/MFD/Commercial, 200 sq ft or less	$1,500.00	PZB
Site Plan Review, PUD, MFD/Commercial, over 200 sq ft	$4,000.00	PZB
Site Plan Review, Resubmittal	$1,000.00	PZB
Special Exception, Each Additional	$1,000.00	PZB
Special Exception, MFD/Commercial	$2,500.00	PZB
Special Exception, Resubmittal	$1,000.00	PZB
Special Exception, Use, Modification, and/or Expansion	$2,000.00	PZB

Subdivision, Application	$5,000.00	PZB
Subdivision, Preliminary Review	$2,000.00	PZB
Subdivision, Impact Study	Minimum 2% of Estimate of Sub-Division Improvements Plus Either $300/Platted Lot or $10/FF/Lot, Whichever is Greater	PZB
Traffic Concurrency Determinations and Escrow	As Quoted	PZB
Unity of Title Agreement	$200.00	PZB
Variance, in Site Plan Review or Special Exception Application	$700.00	PZB
Variance, Each Additional in Site Plan Review or Special Exception Application	$700.00	PZB
Variance, Each Additional	$600.00	PZB
Variance, Flood	$1,500.00	PZB
Variance, MFD/Commercial	$2,500.00	PZB
Variance, Resubmittal	$1,000.00	PZB
Variance, Sign, Awning, Fence, Gatepost, or Other Incidental Accessory	$1,000.00	PZB
Variance, Uses or Structures	$2,000.00	PZB
Waiver, Advanced Irrigation Program Application	$300.00	PZB
Waiver, Advanced Irrigation Program Transfer Fee	$100.00	PZB
Waiver, Dimensional	$2,000.00	PZB
Waiver, Generator	$1,500.00	PZB
Waiver, Zoning in Progress	No Charge	PZB
Zoning Code, Text Amendment-Proposed	$300.00	PZB
Zoning Code, Text Amendment-Studied	$4,000.00	PZB
Zoning Code, Zoning District Change	$4,000.00	PZB
MISCELLANEOUS FEES:		
Landmark Manual, Owner, first one	No Charge	PZB
Landmark Manual, Owner, all subsequent ones	Actual Cost	PZB
Landmark Manual, Non-Owners	Actual Cost	PZB
Landmark Plaque, Owner, first one	No Charge	PZB
Landmark Plaque, Owner, all subsequent ones	Actual Cost	PZB

ENVIRONMENTAL & SANITATION FEES
HISTORIC TREES:

EXHIBIT "A" - Town of Palm Beach

Annual Inspection and Maintenance, per tree	$221.00	PW
INDUSTRIAL WASTE SURCHARGE RATES**:		
BOD (biochemical oxygen demand in mg/L)	$0.40/pound	PW
TSS (total suspended solids in mg/L)	$0.40/pound	PW
OG (oil and grease in mg/L)	$7.30/pound	PW
**Monthly surcharges shall be calculated as follows: IWS= 8.34(V)($0.40x(BOD-400)=$0.40y(TSS- 400)+$7.30z(OG-100) *IWS= Monthly industrial surcharge rate* *V= Volume of industrial flow in million gallons per month based on metered water* *X= Capital and operating costs per pound of BOD greater than 400 mg/L* *Y= Capital and operating costs per pound of TSS greater than 400 mg/L* *Z= Capital and operating costs per pound of oil and grease greater than 100 mg/L*		
SANITARY SEWER CAPITAL CONNECTION FEES (Based on Water Meter Size):		
5/8"	$550.00	PW
3/4"	$825.00	PW
1"	$1,375.00	PW
1 1/2"	$2,750.00	PW
2"	$4,400.00	PW
3"	$8,250.00	PW
4"	$13,750.00	PW
6"	$27,500.00	PW
8"	$44,000.00	PW
SEWER CONNECTION FEES (SANITARY OR STORM):		
Connections:		
Up to 5" pipe	$150.00	PW
Up to 12" pipe	$180.00	PW
13" to 18" pipe	$225.00	PW
Larger than 18"	$300.00	PW
Connection Re-inspections (post failed inspections):	$300.00	PW
Construction Catch Basin	$150.00	PW
Construct Manhole	$150.00	PW
De-Watering to Gravity System:		
Up to 2" Discharge, per month	$150.00	PW

EXHIBIT "A" - Town of Palm Beach

Up to 6" Discharge, per month	$180.00	PW
Larger than 6" discharge, per month	$225.00	PW
De-watering to Pump Station (cost per 1000 gallons; contractor must submit pumping calculations)	Rate TBD by Public Works	PW
Initial Cap-off and connection fee	$150.00	PW
Cap-off and connection reinspection fee	$300.00	PW
Disconnect or Cap Off	$150.00	PW
Inspection of Building Sewer Lateral Flushing Operation for Discontinuing the Use of Detention and Screening Chambers, Where Required	$150.00	PW
Re-Inspection Fee	$300.00	PW
Occupancy Fee, if required	Rate TBD by Town Council	PW
Private Sanitary Sewer Lateral Locate (Existing)	$250.00	PW
SPECIAL TRASH PICK-UPS (White Goods, etc.):		
1/4 Truck	$105.60	PW
1/2 Truck	$211.20	PW
3/4 Truck	$316.80	PW
Full Truck	$420.00	PW
Weekend Service (Fee for Condo Weekend Service is Based on Assessment Rate Set by the Town Council Every September)		PW

LIENS & OPEN PERMIT SEARCHES		
Lien Searches (within 7 days)	$75.00	FIN
Lien Searches, expedited (within 2 days)	$150.00	FIN
Open Permit Searches	$75.00	PZB
Open Permit Searches, expedited	$150.00	PZB

NOTARIZATION SERVICES		
Notarization, per document, Residents, Employees, & Town Project or Contract Documents	No Charge	Notaries
Notarization, per document, All Other Individuals & Documents	$10.00	Notaries

PARKING METER FEES		
Mid-Town Beach and Phipps Ocean Park	$5.00/hour	FIN
All Other Locations in Town	$2.00/hour	FIN

PERMITS, CONSTRUCTION (Includes Dune Construction)

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(BCAIF) Building Code Administrators & Inspectors Fund Surcharge (F.S. 468.631)	1. 5% of Permit Fee, Minimum $2.00	PZB
Building Board of Adjustments, Appeal of Building Official Determination	$500.00	PZB
Certificate of Completion	$100.00	PZB
Conservation Area Permits	3% of Value of work	PZB
Construction Permit Fee Calculation	3.0%, Minimum $75.00	PZB
Construction Permit, Extension Fee, Reactivation Fee, Processing Fee, Reinspection Fee, Re-Issuance Fee,	$100.00	PZB
and Renewal Fee		
Construction Permit, Issuance Fee	70% of Permit Fee Calculation	PZB
Construction Permit, Plan Review Fee, each permit	30% of Permit Fee Calculation, Min. $75.00	PZB
Construction Permit, Refund Processing Fee	$150.00	PZB
Construction, Permit Revision Fee (includes one page)	$100 + $25/pg thereafter	PZB
Construction Permit, Time Extension Fee, Request Submitted Within Time Allowed	$ .10 per sq ft, minimum $500.00/day	PZB
Construction Permit, Time Extension Fee, Request Submitted after Permit Expiration	$0.20 per sq ft/min. $1,000.00/day	PZB
Construction Permit, Transfer Fee	$75.00	PZB
Construction Product Approval Review	$1,500.00	PZB
Contractor Registration, One-time only	$25.00	PZB
DEP Permit Zoning Determinations	$300.00	PZB

EXHIBIT "A" - Town of Palm Beach

Dune Vegetation Permits, Class I, Major	$3,500.00	PZB
Dune Vegetation Permits, Class I, Minor	$1,400.00	PZB
Dune Vegetation Permits, Class II, All Other	$140.00	PZB
Dune Vegetation Permits, Class II, Beach/Dune Trimming	$700.00	PZB
Dune Vegetation Permits, Class III	No Charge	PZB
Electrical Release Agreement	$75.00	PZB
Expedited Plan Review Fee	$100 + $50/pg	PZB
Flood Zone Certification (FIRM) Letter	$100.00	PZB
Department of Business & Professional Regulation Surcharge (F.S. 553.721)	1.0% of Permit Fee, Minimum $2.00	PZB
Landscape Permit	3% Value of Work	PZB
Major Plan Re-Check Fee (determined by Building Official)	Minimum 10% of the Construction Permit Calculation Fee	PZB
Preliminary Plan Review Fee (separate from Plans Examination Fee)	$1,500.00	PZB
Tent Permit Fee	3% of Construction Value, Min. $75.00	PZB
Tent Permit, Extension Fee (Use over 15 days)	$1,500/month, or portion thereof	PZB
Tent Permit, Reinspection Fee for Multiple Events, Per Event	$75.00	PZB
Work Completion Bond, including Demolition	135% of Construction Value	PZB
Work Completion Bond Processing Fee	$150.00	PZB

PERMITS, PARKING & TRANSPORTATION (Includes Parking Placards)		
Parking, Construction (see Rights-of-Way section)		
Parking Permit, Residential	$50.00	FIN
Parking Permit, Group, Temporary (required to have 2 visitor/service permits before issuance)	No Charge	CE
Parking Permit, Valet, annual permit application fee, for each staging area	$400.00	FIN

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Parking Permit, Valet, Temporary, application fee, for each staging area	$50.00	FIN
Parking Permit, Valet, transfer fee for revocable annual valet permit	$300.00	FIN
Parking Permit, Visitor/Service	$50.00	FIN
Parking Placard, 4 month period	$320.00	FIN
Parking Placard, 6 month period	$450.00	FIN
Parking Placard, 12 month period	$840.00	FIN
Vehicle Permit, Limousine, per vehicle	$225.00	FIN
Vehicle Permit, Taxi Cab, per vehicle (also requires certificate of public convenience permit)	$225.00	FIN
Vehicle Permit, Taxi Cab, Transfer Fee, per vehicle (see above condition)	$225.00	FIN

PERMITS, OTHER		
Auction Permit	$25.00	TC
Charitable Solicitation Permit (must be submitted at least 60 days before event or late fees applied)		
Events Estimated to Raise $5,000 or less	$200.00	TC
First Event Estimated to Raise over $5,000	$420.00	TC
Second Event Estimated to Raise over $5,000	$200.00	TC
Closing Out/Distress Sale Permit	$25.00	TC
Commercial Motion Picture Filming Permit (in addition to $1000/day filming fee)	1500.00/1000.00	TC
Door-to-Door Solicitation (requires Town-issued ID card, additional $15 fee; ID good for 2 years)	$25.00	CE
Erection and Display of Unattended Symbols Relating to Religious Holidays Permit	$150.00	TC
Garage Sale Permit	$25.00	FIN
Newsrack Administration Fee	$20.00	FIN
Parade Permit	$300.00	CE
SPECIAL EVENT PERMIT FEES		
Application Fee (see additional fees below)	$250.00	TC
Damage Deposit Fees - Bradley Park and Memorial Park		
50 people or less	$200.00	TC
51 - 100 people	$500.00	TC
100 and over	$1,000.00	TC
Damage Deposit Fees - Lake Drive Park and Phipps South Ocean Park		
50 people or less	$100.00	TC
51 - 100 people	$200.00	TC

100 and over	$500.00	TC
Damage Deposit Fees - Other Locations		
Phipps Ocean Park (Chickee Hut Only)	$100.00	TC
Public Beaches	$100.00	TC
All Other Public Spaces	$100.00	TC
Usage Fees (non-residents)		
Bradley Park and Memorial Park		
50 people or less	$75.00/hr	TC
51 - 100 people	$150.00/hr	TC
100 and over	$250.00/hr	TC
Lake Drive Park and Phipps South Ocean Park		
50 people or less	$50.00/hr	TC
51 - 100 people	$100.00/hr	TC
100 and over	$200.00/hr	TC
Phipps South Ocean Park (Chickee Hut Only)	$75.00/hr	TC
PUBLIC SAFETY SERVICES, ALARMS (FIRE & BURGLAR)		
REGISTRATION FEES:		
Security Alarms, per year	$50.00	FIN
Direct Connect Business, Under 1000 sq ft, per year	$100.00	FIN
Direct Connect Business, 1000+ sq ft, per year	$250.00	FIN
Direct Connect Residential, annual fee (service available 10/1/2014)	$100.00	FIN
Direct Connect Residential, one-time Administrative Fee for initial set-up	$100.00	FIN
FALSE ALARM FEES, BURGLAR:		
3-4 times, each instance	$150.00	FIN
5-10 times, each instance	$300.00	FIN
11-15 times, each instance	$750.00	FIN
16 or more times, each instance	$1,000.00	FIN
FALSE ALARM FEES, DIRECT CONNECT BURGLAR:		
16-17 times, each instance	$150.00	FIN
18-23 times, each instance	$300.00	FIN
24-28 times, each instance	$750.00	FIN
29 or more times, each instance	$1,000.00	FIN

EXHIBIT "A" - Town of Palm Beach

FALSE ALARM FEES, FIRE:		
3-4 times, each instance	$250.00	FIN
5-10 times, each instance	$500.00	FIN
11-15 times, each instance	$1,000.00	FIN
16 or more times, each instance	$1,750.00	FIN

PUBLIC SAFETY SERVICES, FIRE-RESCUE		
ANNUAL FIRE & LIFE SAFETY INSPECTION FEES:		
Assembly		
50 - 299 seating capacity	$100.00	FR
300 - 1,000 seating capacity	$125.00	FR
1,001 - 5,000 seating capacity	$250.00	FR
5,001 and over seating capacity	$350.00	FR
Business Tax Receipts	$100.00	FR
Commercial LP Gas Facilities	$100.00	FR
Educational Schools and Day Care		
10,000 sq ft and under	$75.00	FR
10,001 - 20,000 sq ft	$100.00	FR
20,001 - 50,000 sq ft	$250.00	FR
50,001 - 100,000 sq ft	$300.00	FR
100,001 - 200,000 sq ft	$350.00	FR
200,001 and over	$400.00	FR
Hazardous Materials Facilities		
5,000 sq ft and under	$125.00	FR
5,001 - 15,000 sq ft	$175.00	FR
15,001 - 30,000 sq ft	$275.00	FR
30,001 - 100,000 sq ft	$325.00	FR
100,000 - 200,000 sq ft	$425.00	FR
200,001 - 500,000 sq ft	$475.00	FR
500,001 and over	$525.00	FR
Health Care, Hospital, Nursing Home, Ambulatory Health Care, Etc.		
5,000 sq ft and under	$100.00	FR
5,001 - 15,000 sq ft	$150.00	FR

EXHIBIT "A" - Town of Palm Beach

15,001 - 30,000 sq ft	$200.00	FR
30,001 - 100,000 sq ft	$250.00	FR
100,001 - 200,000 sq ft	$300.00	FR
200,001 - 500,000 sq ft	$350.00	FR
500,001 and over	$400.00	FR
Lodging, Rooming Houses, Hotels, Dormitories, and Condominiums		
0 - 16 units / rooms	$100.00	FR
17 - 100 units / rooms	$150.00	FR
101 - 500 units / rooms	$250.00	FR
501 and over	$300.00	FR
Marinas and Docks	$75.00	FR
Mercantile, Business and Storage		
5,000 sq ft and under	$100.00	FR
5,001 - 15,000 sq ft	$125.00	FR
15,001 - 30,000 sq ft	$200.00	FR
30,001 - 100,000 sq ft	$225.00	FR
100,001 - 200,000 sq ft	$250.00	FR
200,001 - 500,000 sq ft	$300.00	FR
500,001 and over	$350.00	FR
Restaurants, Cafes, and Public Eating Places	$90.00	FR
Temporary Structures	$75.00	FR
Re-inspections Fee, First	$75.00	FR
Re-inspection Fee, All Subsequent	$125.00	FR
EMS TRANSPORTATION FEES:		
Basic Life Support Transportation Fee	$750.00	FR
Advanced Life Support-Level 1 Transportation Fee	$750.00	FR
Advanced Life Support-Level 2 Transportation Fee	$850.00	FR
Ambulance Ground Mileage, in Addition to Transportation Fee	$12.00/mile	FR
FIRE PREVENTION FEES:		
Technical Fire Inspections	$250.00	FR
Fixed Fire Suppression Systems	$250.00	FR
Hazardous, Flammable or Explosive Materials		
Fire hydrant flow test witness	$275.00	FR

Bonfire permit	$300.00	FR
Fireworks and pyrotechnic displays	$2,000.00	FR
Hot work operation permit	$100.00	FR
Public assembly plans review and inspection	$50.00	FR
MISCELLANEOUS FEES:		
Meeting Room Rental-South Fire Station	$28.00/hr	FR
Meeting Room Rental Deposit-South Fire Station (required for rental)	$200.00	FR
SPECIAL ASSIGNMENT (OFF-DUTY) DETAILS FEE:		
Special Assignment Details (3 hour minimum)	$70.00/hr	FR
Special Assignment Details (3 hour minimum) - Premium Days (as defined by Res. No. 176-2015)	$100.00/hr	FR

PUBLIC SAFETY SERVICES, POLICE		
FINGERPRINTING FEES:		
Fingerprinting, Town Resident Civilians (except employee applicants)	$15.00	PD
Fingerprinting, Children	No Charge	PD
MISCELLANEOUS FEES:		
Identification Cards, each (good for 2 years)	$20.00	PD
Passport Photos, for 2 photos	$15.00	PD
SPECIAL ASSIGNMENT (OFF-DUTY) DETAILS FEE:		
Special Assignment Details (3 hour minimum)	$70.00/hr	PD
Special Assignment Details (3 hour minimum) - Premium Days (as defined by Res. No. 176-2015)	$100.00/hr	PD

RECORDS REQUEST FEES (see page 23)		
These costs vary by department and scope of the request. An expanded fee schedule is on page 23.	Based on actual costs	TC
NOTE: All Duplication Fees are Subject to F.S. Ch. 119, as May be Amended From Time to Time		

EXHIBIT "A" - Town of Palm Beach

RECREATION FEES
The Town of Palm Beach is proud to offer the best recreational programs and facilities around! As our recreation programs and fees fluctuate, please contact the Recreation Department directly, at (561) 838-5485, for information on our current educational & enrichment offerings, as well as current facility rental, Town Dock leasing, and golf and tennis fees.

RETURNED CHECK FEES		
Check Amount $0.01 to $50.00	$25.00*	FIN
Check Amount $50.01 to $300.00	$30.00*	FIN
Check Amount Greater than $300.00	$40.00*	FIN
* Or 5% of check amount, whichever is greater		
If payment is not received within 30 days, the Town may file a civil action against the check writer for three times the amount of the check, but in		

RIGHTS-OF-WAY FEES		
ABANDONMENTS & EASEMENTS:		
Abandonment of Streets Rights of Way & Easements Application	$1,200.00	PW
PUBLIC WORKS AGREEMENTS:		
Preparation and/or Review (Stormwater Management, Stormwater Management Recertifications, Driveway / Walkway)	$100.00	PW
Preparation and/or Review (Easement Installation & Removal, Wall Maintenance, ROW Installation & Maintenance, etc.)	$250.00	PW
Recordation (up to 6 pages)	$100 + $10/pg thereafter	PW
CONSTRUCTION PARKING - METERED SPACES (Excludes Worth Avenue):		
Per Vehicle (3 vehicles maximum)	$48.00	PW
Per Month (3 vehicles maximum)	$1056.00/vehicle	PW
CONSTRUCTION PARKING - MID-TOWN BEACH & PHIPPS OCEAN PARK:		
Per Vehicle (3 vehicles maximum)	$48.00/day	PW
Per Month (3 vehicles maximum)	$1056.00/vehicle	PW
CONSTRUCTION PARKING - NON-METERED SPACES (Excludes Worth Avenue):		
Up to 3 Days, per vehicle (3 vehicles maximum)	$180.00	PW
4 or More Days, per vehicle	$36.00/per day	PW
Per Month	$540.00/per vehicle	PW
CONSTRUCTION PARKING - NON-METERED SPACES, ADDITIONAL PERMITS (Excludes Worth Avenue):		
During 3 Week Close-Out Period, per vehicle	$90.00/per week	PW
Owner's Permit, per month, (1 vehicle maximum)	$90.00/per vehicle	PW

EXHIBIT "A" - Town of Palm Beach

CONSTRUCTION PARKING - WORTH AVENUE ONLY:		
Per Space, Per Month or Any Lesser Period (2 spaces max., active loading/unloading and essential construction activities only	$360.00	PW
DRIVEWAY APPROACH, USE, & EXCAVATION PERMIT FEES:		
Driveway Approach, up to 20 lineal ft width	$180.00	PW

Driveway Approach, 20+ lineal ft width, per lineal ft	$3.60	PW
Delivery of Materials (2 hours or less, will not block a major roadway or a moving lane of traffic).	$30.00	PW
ROW Use, up to 3 days	$180.00	PW
ROW Use, 4 or more days, per day	$36.00	PW
ROW Use, per month	$540.00	PW
ROW Excavation*, up to 3 days	$180.00	PW
ROW Excavation*, 4 or more days, per day until ROW is completely restored to original or better condition	$36.00	PW
**** ROW Restoration Includes Sidewalks, Medians, and Roads.***		

VIOLATIONS, FINES, PENALTIES, & LATE FEES (ALL)		
BUSINESS TAX RECEIPT LATE FEES:		
1 - 31 Days Late	10% of Annual BTR Fee	PZB
32 - 61 Days Late	15% of Annual BTR Fee	PZB
62 - 92 Days Late	20% of Annual BTR Fee	PZB
93 Days Or More Late	25% of Annual BTR Fee	PZB
Failure to Pay Within 150 Days of Initial Notice of Tax Due (Owner may also be subject to code enforcement board actions relating to violation of this section and may also be subject to civil actions and penalties, including court costs, reasonable attorney's fees, and additional administrative costs incurred as a result of collection efforts.)	$250.00 **in Addition** to any Other Penalty	PZB
CHARITABLE SOLICITATION PERMIT LATE FEES:		
Late Application, 31-59 Days Before Event:		
Events Estimated to Raise $5,000 or less	$50.00	TC
First Event Estimated to Raise over $5,000	$105.00	TC
Second Event Estimated to Raise over $5,000	$50.00	TC
Late Application, 16-30 Days Before Event:		
Events Estimated to Raise $5,000 or less	$100.00	TC
First Event Estimated to Raise over $5,000	$210.00	TC
Second Event Estimated to Raise over $5,000	$100.00	TC
Late Application, 15-8 Days Before Event:		
Events Estimated to Raise $5,000 or less	$150.00	TC

EXHIBIT "A" - Town of Palm Beach

First Event Estimated to Raise over $5,000	$315.00	TC
Second Event Estimated to Raise over $5,000	$150.00	TC
Late Application, 7 Days or Less Before Event:		
Events Estimated to Raise $5,000 or less	$200.00	TC
First Event Estimated to Raise over $5,000	$420.00	TC
Second Event Estimated to Raise over $5,000	$200.00	TC
Permit Issued After the Fact (fee is in addition to base permit fee and any Code Enforcement Board Fees):		
Events Estimated to Raise $5,000 or less	$600.00	TC
First Event Estimated to Raise over $5,000	$1,260.00	TC
Second Event Estimated to Raise over $5,000	$600.00	TC
CODE VIOLATION FINES:		
Class I Violations:		
First Offense	$75.00	CE
Second Offense	$125.00	CE
Third Offense	$250.00	CE
Fourth and subsequent offense	$500.00	CE
Class II Violations:		
First Offense	$125.00	CE
Second Offense	$250.00	CE
Third Offense	$400.00	CE
Fourth and subsequent offense	$500.00	CE
Class III Violations:		
First Offense	$250.00	CE
Second Offense subsequent offense	$500.00	CE
Class IV Violations:		
First and Subsequent Offenses	$500.00	CE
CONSTRUCTION PERMIT (AFTER THE FACT) CONSTRUCTION:		
Construction Without a Permit	300% of Permit Fee	PZB
CONSTRUCTION WORK IN RIGHTS-OF-WAY EXCEEDING TIME PERMITTED PENALTY FEE:		
Work Performed After the Time Allowed in the Applicable Permit	$1,000.00/per day	PZB
DEMOLITION PERMIT VIOLATIONS:		
Violations of Conditions Placed Upon Granting of Demolition Permit, per violation	$250.00/per day	PZB
FIRE & LIFE SAFETY INSPECTION LATE FEE:		

EXHIBIT "A" - Town of Palm Beach

Late Payments Finance Charge	10% of Inspection Fee	FR
PARKING FINES - COMMERCIAL ZONING DISTRICTS:		
Overtime Parking as Referenced in Section 118-92 (a)(1)	$50.00	FIN
Parking on Wrong Side of Street as Referenced in Section 118-92 (a)(2)	$50.00	FIN
Parking at Yellow Curb as Referenced in Section 118-92 (a)(3)	$50.00	FIN
Blocking Driveway as Referenced in Section 118-92 (a)(4)	$50.00	FIN
Parking on Sidewalk as Referenced in Section 118-92 (a)(5)	$50.00	FIN
Trespassing by Vehicle as Referenced in Section 118-92 (a)(6)	$50.00	FIN
No Parking (designated hours) as Referenced in Section 118-92 (a)(7)	$50.00	FIN
Parking Too Close to Fire Hydrant as Referenced in Section 118-92 (a)(8)	$55.00	FIN
No Parking Anytime as Referenced in Section 118-92 (a)(9)	$50.00	FIN
Double Parking as Referenced in Section 118-92 (a)(10)	$50.00	FIN
Obstructing Traffic as Referenced in Section 118-92 (a)(11)	$50.00	FIN
Parking in Loading Zone as Referenced in Section 118-92 (a)(12)	$50.00	FIN
Residential Parking as Referenced in Section 118-92 (a)(13)	$50.00	FIN
Vehicle Parked Across Lines Designating Parking Space as Referenced in Section 118-92 (a)(14)	$50.00	FIN
Vehicle Parked in Wrong Direction on One-Way Street as Referenced in Section 118-92 (a)(15)	$50.00	FIN
Parking at Curbs Designated in Red as Referenced in Section 118-92 (a)(16)	$50.00	FIN
Expired Meter as Referenced in Section 118-92 (a)(17)	$50.00	FIN
Official Parking Only as Referenced in Section 118-92 (a)(18)	$50.00	FIN
Parking in Crosswalk as Referenced in Section 118-92 (a)(19)	$50.00	FIN
Parking in Passenger Loading Zone as Referenced in Section 118-92 (a)(20)	$50.00	FIN
Overtime Parking in a Designated Parking Zone (in addition to any other parking regulation violation noted at the time of fine issuance) as Referenced in Section 118-92 (a)(21)	$50.00	FIN
All Other Parking Violations as Prescribed by Appropriate State Statue or Other Town Ordinance as Referenced in Section 118-92 (b)	$50.00	FIN
PARKING FINES - RESIDENTIAL ZONING DISTRICTS:		
Overtime Parking as Referenced in Section 118-92 (a)(1)	$60.00	FIN
Parking on Wrong Side of Street as Referenced in Section 118-92 (a)(2)	$60.00	FIN
Parking at Yellow Curb as Referenced in Section 118-92 (a)(3)	$60.00	FIN
Blocking Driveway as Referenced in Section 118-92 (a)(4)	$60.00	FIN
Parking on Sidewalk as Referenced in Section 118-92 (a)(5)	$60.00	FIN
Trespassing by Vehicle as Referenced in Section 118-92 (a)(6)	$60.00	FIN

EXHIBIT "A" - Town of Palm Beach

No Parking (designated hours) as Referenced in Section 118-92 (a)(7)	$60.00	FIN
Parking Too Close to Fire Hydrant as Referenced in Section 118-92 (a)(8)	$65.00	FIN
No Parking Anytime as Referenced in Section 118-92 (a)(9)	$60.00	FIN
Double Parking as Referenced in Section 118-92 (a)(10)	$60.00	FIN
Obstructing Traffic as Referenced in Section 118-92 (a)(11)	$60.00	FIN
Parking in Loading Zone as Referenced in Section 118-92 (a)(12)	$60.00	FIN
Residential Parking as Referenced in Section 118-92 (a)(13)	$60.00	FIN
Vehicle Parked Across Lines Designating Parking Space as Referenced in Section 118-92 (a)(14)	$60.00	FIN
Vehicle Parked in Wrong Direction on One-Way Street as Referenced in Section 118-92 (a)(15)	$60.00	FIN
Parking at Curbs Designated in Red as Referenced in Section 118-92 (a)(16)	$60.00	FIN
Expired Meter as Referenced in Section 118-92 (a)(17)	$60.00	FIN
Official Parking Only as Referenced in Section 118-92 (a)(18)	$60.00	FIN
Parking in Crosswalk as Referenced in Section 118-92 (a)(19)	$60.00	FIN
Parking in Passenger Loading Zone as Referenced in Section 118-92 (a)(20)	$60.00	FIN
Overtime Parking in a Designated Parking Zone (in addition to any other parking regulation violation noted at the time of fine issuance) as Referenced in Section 118-92 (a)(21)	$60.00	FIN
All Other Parking Violations as Prescribed by Appropriate State Statue or Other Town Ordinance as Referenced in Section 118-92 (b)	$60.00	FIN
PARKING FINES - RIGHT-OF-WAY CONSTRUCTION PARKING:		
First Offense, per day, per vehicle	$75.00	CE & PW
Second Offense, per day, per vehicle	$150.00	CE & PW
Third and All Subsequent Offenses, per day, per vehicle (may also result in a stop work order)	$250.00	CE & PW
PARKING FINES - FAILURE TO PAY CITATION (Does Not Include ROW Parking Violations):		
Failure to Pay Penalties for Violations of Sections 118-91 and 118-92 Within Seven Days from the Time of Issuance of the Violation Shall Result in an Additional Delinquency Penalty to the Violator as Referenced in Section 118-93	$20.00	FIN
Failure to Pay Penalties and Delinquency Assessments for Violations of Sections 118-91 and 118-92 and in Accordance with Section 118-93 within 60 Days of Issuance of the Parking Violation Shall Result in a	$20.00	FIN
in accordance with Section 118-93 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation of the original delinquent penalty and service charge as referenced in Section 118-94	$25.00	FIN

EXHIBIT "A" - Town of Palm Beach

Failure to pay penalties and delinquency assessments for violations of Sections 118-91 and 118-92 and in accordance with Section 118-93 within 120 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation of the original delinquent penalties and service charge as referenced in Section 118-94.	$25.00	FIN
Fee for Removal of an Immobilizing Device as Referenced in Section 118-95(2)	$350.00	FIN
PUBLIC SAFETY SPECIAL ASSIGNMENT (Off-Duty) DETAILS FEES - FAILURE TO PAY BILL WITHIN 30 DAYS:		
In the event said fees are not paid within 30 days of billing, an automatic ten percent penalty per month shall be assessed for nonpayment of said delinquent fees (Applies to both regular and premium day assignments)	10% per month delinquent	PD or FR, based on detail
SEWAGE DISPOSAL VIOLATION FINES:		
Failure to Comply with the 24 Hour Notification Requirement for the Industrial User Out of Compliance as Referenced in Section 122-118 (2)	$100.00	PW
Failure to comply with resampling rules as referenced in Section 122-118 (3)	$150.00	PW
Failure to Comply with Waste Water Facility (WWF) Monitoring and 45 Day Compliance Schedule as Referenced in Section 122-118 (4)	$250.00	PW
Fine for significant noncompliance for industrial user in violation as referenced in Section 122-118 (5)	$400.00	PW
Failure to Respond within 15 Days to Formal Notice of Significant Non-Compliance for Industrial User as Referenced in Section 122-118 (6)	$500.00	PW
Failure to Respond within 15 Days for Failure to Demonstrate Compliance with Notice of Significant Violation (NOSV) During the 90 Day Schedule for Industrial User as Referenced in Section 122-118 (7)	$500.00	PW
Construction of Pretreatment Facilities Does Not Achieve Compliance as Referenced in Section 122-118 (8)	$500.00	PW
Industrial User Failure to Show Cause to Comply as Referenced in Section 122-118 (8)	Up to $500.00/day	PW
SPECIAL EVENT/TEMPORARY ANIMAL PERMIT LATE FEE:		
Late Application, less than 30 days before event	100	TC
Permit Issued After the Fact (fee is in addition to any Code Enforcement Board Admin Fees)	$75.00	TC
TENT PERMIT LATE FILING FEE:		
Tent Permit, Late Filing Fee	200% of Tent Permit Fee	PZB
WATER CONSERVATION/RESTRICTIONS VIOLATION FINES:		
First Offense, within any 180-day period	$75.00	CE
Second Offense, within any 180-day period	$125.00	CE

Third Offense, within any 180-day period	$250.00	CE
Fourth and Subsequent Offenses, within any 180-day period	$500.00	CE
WATER CONSERVATION/RESTRICTIONS VIOLATION FINES: CURTAILMENT AUTHORIZED (Emergency Order):		
First Offense	$125.00	CE
Second Offense	$250.00	CE
Third Offense	$400.00	CE
Fourth and subsequent offense	$500.00	CE
VEHICLE PERMIT PENALTIES:		
Late Annual Renewal	$100.00	FIN

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Resolutions

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

Presenter
Dean Mealy, II, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated February 26, 2019, from Dean Mealy, Purchasing Manager**
- **Bid Tab**
- **Overview of Project**
- **Resolution No. 13-2019**

Information for Town Council Meeting on March 19, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Invitation to Bid 2019-08, Worth Avenue Infrastructure Improvements to C&W Pipeline - **Resolution No. 13-2019**

DATE: 26 February 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 13-2019 awarding Invitation to Bid 2019-08, Worth Avenue Infrastructure Improvements, 400 Block. The recommended awardee is C&W Pipeline. The contract to C&W Pipeline will be for $1,397,989 with an overall project budget of $1,610,000.

In addition, staff recommends that Town Council grant a waiver to Sections 42-196 and 199 of the Town of Palm Beach Code of Ordinances to allow for extended work hours, road closures and night time and/or weekend work, as necessary and approved by Public Works.

In a companion request, staff would also like to include a waiver of the Town Code of Ordinances section 42-226 through 229 - Regulation of Noise.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid (ITB) 2019-08 for Worth Avenue Infrastructure Improvements on January 13, 2019. This item had been approved as part of the budget process for FY 2019.

The engineer cost estimate for the project was noted at $1,600,000. The work included:

- **Construction of Stormwater Improvements** - To include installing over 1,000 linear feet of 36-inch Reinforced Concrete Pipe and related structures.
- **Sewer Rehabilitation -** To include over 500 linear feet of Cured in Place Pipe lining ranging from 8-inch to 12-inch and coating of 6 existing manholes.
- **Sewer Replacement -** To include over 400 linear feet of new 10-inch and 12-inch PVC sanitary main and related manholes
- **Water Main Replacement -** To include the installation of over 1,000 linear feet of existing 6-inch Asbestos Cement pipe with 8-inch Ductile Iron Pipe and related fittings.
- **Related Paving and Grading Efforts -** The final restoration will include grading, earthwork, concrete curb, gutter and asphalt paving for the 400 Block. Related work items will also include but not be limited to demolition, dewatering, driveway restoration, and minor landscaping.

Eleven firms responded to the solicitation. The solicitation was broadcast through Negometrix, Public Purchase, Demand Star, the Palm Beach Post and the Town website on doing business with the town. Submittals ranged from $1,397,989 to $2,252,737. Six of the eleven submittals were under the engineer cost estimate for the project. Purchasing has continued to provide additional outreach to potential vendors.

SPECIAL CONDISDERATIONS

The milling, resurfacing, striping, installation of the water, sewer, drainage, and concrete improvements will have varying degrees of impacts on the traffic. Those impacts on the traffic and local businesses will be minimized by performing some of these improvements during the night time and/or weekend hours. It should also be noted that due to the number of utilities to be constructed and shorten work season, the 400 Block of Worth Avenue between Cocoanut Row to Peruvian Avenue will be closed to all through traffic. However, access to those homes on the street will be maintain and coordinated with the residents.

Staff recommends a waiver to Section 42-196 and Section 42-199 of the Town Code of Ordinances allowing night time construction, as necessary, and approved by Public Works. The contractor, with the assistance of Public Works staff, will notify businesses and residents in the immediate area prior to any night time and/or weekend activities, and issue a press release for the week.

Staff also recommends a waiver to the Noise Ordinance for those same night time and/or weekend activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FISCAL IMPACT/FUNDING SOURCE

The funding for this project will be from ACIP Phase 2. The overall project budget will be $1,610,000.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

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

CC: Jay Boodheshwar, Deputy Town Manager

Paul Brazil, P.E., Director of Public Works
Jane Le Clainche, CPA, Director of Finance
Patricia Strayer, Town Engineer
Jason Debrincant, Senior Project Engineer
Michael Roach, Project Engineer
Duke Basha, Assistant Purchasing Manager



Bid No. 2019-08 - Worth Avenue Infrastructure Improvements

SECTION	QTY	UNIT	D.S. Eakins	Hinterland Group	C&W Pipeline	Lanzo Construction	Johnson-Davis	MAN CON INC	R & D Paving	West Const.	R.P. Utility	V-Engineering	Ferreira Const.
GENERAL ITEMS	1	LS	$250,500.00	$225,000.00	$244,000.00	$267,222.00	$199,000.00	$285,876.00	$333,000.00	$290,000.00	$506,535.02	$206,000.00	$497,122.99
DEMOLITION	1	LS	$76,935.00	$222,534.00	$45,196.00	$68,200.00	$91,937.00	$101,198.70	$113,347.25	$158,952.00	$63,129.70	$134,160.00	$87,513.21
PROPOSED STRIPING & SIGNAGE	1	LS	$3,675.00	$4,950.00	$1,445.00	$2,560.00	$1,750.00	$2,685.00	$1,661.00	$2,566.00	$660.00	$290.00	$2,447.50
PROPOSED ROADWAY	1	LS	$221,048.50	$497,660.00	$393,613.00	$269,850.00	$309,148.00	$356,337.90	$308,945.80	$197,357.00	$160,442.16	$239,835.00	$325,676.20
PROPOSED DRAINAGE	1	LS	$461,325.00	$876,200.00	$351,575.00	$579,680.00	$550,950.00	$578,070.00	$571,395.00	$693,791.00	$451,565.65	$347,325.00	$441,454.00
PROPOSED SANITARY SEWER	1	LS	$177,025.00	$213,133.00	$128,760.00	$132,550.00	$146,190.00	$157,736.00	$160,933.00	$500,093.00	$100,480.65	$275,790.00	$173,585.00
PROPOSED WATER	1	LS	$281,550.00	$213,260.00	$233,400.00	$200,100.00	$193,550.00	$292,820.00	$224,070.81	$337,802.00	$142,186.80	$346,600.00	$257,956.10
TOTAL			**$1,472,058.50**	**$2,252,737.00**	**$1,397,989.00**	**$1,520,162.00**	**$1,492,525.00**	**$1,774,723.60**	**$1,713,352.86**	**$2,180,561.00**	**$1,424,999.98**	**$1,550,000.00**	**$1,785,755.00**
					Apparent Awardee								

H m e (UTC-05:00) Eastern Tim (US & Canada)

0161 Bid No. 2019-08 - W rth Avenue Infrastructure Im rovem nts

H lp

Evaluation phase Ends on **12 M r 2019 8:00 A**

Settings Participants Planning Pricing sheets Surveys Q estion & Answ r
p O fers/Applications Evaluate Com are & Select

Settings

Sum ry

Nam : Bid No. 2019-08 - W rth Avenue Infrastructure Im rovem nts

Procedure

Select type of contract: None

This is a test solicitation: No

Lots applied: No

A proval & Publication

Reference num er: 019-08

Tem late Nam : TB tem late for services

A ditional Inform tion

Short description: **N R IN O IO A TH B D**

The Tow of Palm Beach seeks bids for Infrastructure Im rovem nts to the 400 Block of W rth Avenue to include the follow ng:

- **Construction of Storm ter Im rovem nts** - To include installing over 1,000 linear feet of 36-inch Reinforced Concrete Pipe and related structures.
- **Sew r R habilitation -** To include over 500 linear feet of Cured In Place Pipe lining ranging from 8-inch to 12-inch and coating of 6 existing m nholes.
- **Sew r R placem nt -** To include over 400 linear feet of new 10-inch and 12-inch PVC sanitary m in and related m nholes.
- **W ter M in R placem nt -** To include the installation of over 1,000 linear feet of existing 6-inch Asbestos Cem nt pipe w th 8-inch D ctile Iron Pipe and related fittings.
- **R lated Paving and G ading Efforts -** The final restoration w ll include grading, earthw rk, concrete curb, gutter and asphalt paving for the 400 Block. Related w rk item w ll also include but not be lim ted to dem lition, dew tering, drivew y restoration, and m nor landscaping.

Project Estim te: $1.6 m llion.

If you are interested in this solicitation and w uld like to view additional details click the 'participate' button below Selecting the participate button in no w y obligates you to subm t a response to this Bid but is necessary in order to see the detail of this Bid.

PR -B D CO ER N E
A "**N M O** " pre-bid m eting w ll be held on:
Tuesday, January 29, 2019 at 2:00 PM
Location:
Public W rks Building
M eting Room
951 O eechobee Road
W st Palm Beach, Florida 33401

Q STIO D A IN
The deadline for questions is SEVEN (7) CALEND R D YS before the end of the O fer Phase (due date).

Q estions should be subm tted through this

Other options

Com dity Codes

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Solicitations Palm Beach
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Published Solicitations
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Contracts
M ssages m
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M Profile
Com any
Contact groups
Tem lates

Com any adm nistrator:
Solicitations Palm Beach
(561) 838-5406
solicitations@tow ofpalm each.

N ed help using N gom trix3?
Visit our support page

? lp

softw re platform using the Q estion & Answ r feature.

The Tow m y provide w itten addenda up to **FIV (5)** calendar days before the date fixed for receiving the bid proposals. Any oral explanation(s) given before the bid opening w ll not be binding.

B IN O IO

A Bid G arantee in the form of a Bid Bond is required to be subm tted w th the Suppliers Response.
The aw rded Supplier (Contractor) w ll be required to provide a Perform nce and Paym nt Bond should the Contract am unt be $200,000.00 or m re.

D SIG ED PR U M N R PR SEN A IV

The D signated Procurem nt Representative for this Solicitation is:
D ke Basha, Assistant Purchasing M nager
solicitations@tow ofpalm each.com ;
dbasha@tow ofpalm each.com

Attached description file(s):

Advertisem nt Bid No. 2019-08 - W rth Avenue Infrastr ucture Im rovem nts - D aft.pdf *65 Kb*	D w load	Preview
FSS 119.0701 - 2017.pdf *92 Kb*	D w load	Preview
H w to register on Negom etrix (1).pdf *442 Kb*	D w load	Preview
NEG TRIXG ttingStart ed.pptx *1717 Kb*	D w load	Preview
PRELIM NARY BID TAB - Bi d No. 2019-08 - ALTERNATE.p df *33 Kb*	D w load	Preview
PRELIM NARY BID TAB - Bi d No. 2019-08 - W rth Ave In frastructure Im rovem nts.pd f *44 Kb*	D w load	Preview
Public W rks Building addr ess, m p (1).pdf *111 Kb*	D w load	Preview

Internal description:
(O ly visible to buyers)

Internal docum nts:

VEND LIST - Bid No. 2019-08 - W rth Avenue Infrast ructure Im rovem nts.xlsx *14 Kb*	D w load	Preview

Edit

Export Solicitation Settings

RESOLUTION NO. 13-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD RECOMMENDATION FOR INVITATION TO BID 2019-08 FOR THE 400 BLOCK OF WORTH AVENUE FOR INFRASTRUCUTURE IMPOVEMENTS TO C&W PIPELINE IN THE AMOUNT OF $1,397,989, WITH AN OVERALL PROJECT BUDGET OF $1,610,000

WHEREAS; Public Works identified the need for infrastructure improvements to the 400 block of Worth Ave., and;

WHEREAS; Purchasing issued an Invitation to Bid 2019-08 and C&W Pipeline was the recommended as the apparent awardee; and

WHEREAS; Town Council approval is sought to approve the recommended vendor, C&W Pipeline for a contract value of $1,397,989 and approve an overall project budget of $1,610,000.

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

Section 1. The award of Invitation to Bid 2019-08 to C&W Pipeline, is hereby approved.

Section 2. The Town Council approves a contract to C&W Pipeline in the amount of $1,397,989 and an overall project budget of $1,610,000 to be funded from ACIP, Phase 2.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____ 20__.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 14-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $164,070, to Chen Moore and Associates, for Construction Phase Engineering Services for the Worth Avenue Infrastructure Improvement Project, 400 Block from Cocoanut Row to Peruvian Avenue, and Establishing a Construction Phase Budget of $164,070.

Presenter
Dean Mealy, II, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated March 5, 2019, from Dean Mealy, Purchasing Manager**
- **Chen Moore and Associates Proposal**
- **Resolution No. 14-2019**

Information for Town Council Meeting on March 19, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Purchasing Manager

RE: Resolution Approving a Purchase Order to Chen Moore and Associates for Construction Phase Engineering Services for the Worth Avenue Infrastructure Improvement Project and Establish a Construction Phase Budget of $164,070 - **Resolution No. 14-2019**

DATE: 5 March 2019

STAFF RECOMMENDATION

Town staff recommends the approval of a Purchase Order to Chen Moore and Associates for Construction Phase Engineering Services for the Worth Avenue Infrastructure Improvement Project and Establish a Construction Phase Budget of $164,070.

SUMMARY EXPLANATION/BACKGROUND

Construction Phase Engineering Services are required to support the Worth Avenue Infrastructure Improvement Project.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for this project will be $164,070.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research. A review of rotation of the established Civil Engineering firms was also verified.

TOWN ATTORNEY REVIEW

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

Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Jane Le Clainche, CPA, Director of Finance
Patricia Strayer, Town Engineer
Jason Debrincant, Senior Project Engineer

CHEN•MOORE
&ASSOCIATES

500 Australian Ave S, Ste. 850
West Palm Beach, FL 33401
Phone: +1 (561) 746-6900
Fax: +1 (561) 746-8333
www.chenmoore.com

February 22, 2019

SENT VIA EMAIL
(DBasha@TownofPalmBeach.com)

Duke Basha
Assistant Purchasing Manager
Town of Palm Beach
Purchasing Division
360 S. County Road
Palm Beach, FL 33480

Subject: WORTH AVENUE INFRASTRUCTURE IMPROVEMENTS CONSTRUCTION SERVICES
CMA Proposal No. P19.431

Dear Duke:

Chen Moore and Associates (CMA) is pleased to submit the attached Agreement for Professional Services and Scope of Services to provide construction services associated with the Worth Avenue Infrastructure Improvements Project. This proposal defines the scope of work, schedule, and compensation for the construction services associated with this project.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

Task 1.1 – Review and Approval of Shop Drawings and Technical Submittals
Task 1.2 – Respond to Contractor Requests for Information (RFI's)
Task 1.3 – Pre-Construction and Progress Meetings
Task 2.1 – Onsite Inspections and Oversight
Task 3.1 – As-Built Review
Task 3.2 – Material Testing Review
Task 3.3 – Certification

Below is a description of the services included with each of these essential tasks:

Task 1.1 – Review and Approval of Shop Drawings and Technical Submittals

For scoping purposes, it is assumed there will be up to 40 shop drawings and technical submittals by the Contractor that will require review (10 submittals for water main

replacement and 30 submittals for drainage, sewer and paving). The review will include comparison of the Contractor's submitted documents to the requirements of the Contract Documents. The review also includes up to one re-submittal review for correction and revision by the Contractor per submittal package. In addition, any substantial deviation from the project requirements will be documented and returned to The Town's Project Manager (TOWN) with instructions on how to proceed based on the severity and nature of the deficiencies encountered.

Task 1.2 – Respond to Contractor Requests for Information (RFIs)

CMA will answer and address the contractor's Requests for Information (RFI) which requires interpretation of the plans. This task includes only those RFIs that are directly related to any original products prepared by CMA for the construction of this project and excludes interpretation of any documents originally created by the TOWN, the Contractor, or their sub-contractors and suppliers. For scoping purposes, it is assumed that a total of twenty (20) RFI's will be reviewed (5 submittals for water main replacement and 25 submittals for drainage, sewer and paving).

Task 1.3 – Pre-Construction and Progress Meetings

At the outset of the project, CMA will facilitate and conduct a Pre-Construction Meeting with the Town and the Contractor to review critical elements of the project and review considerations with respect to schedule, working hours, maintenance of traffic, staging and communication. Once NTP has been issued, CMA will facilitate progress meetings twice a month to review project progress and discuss any concerns. All meetings are assumed to be one hour in length. CMA will provide a sign-in sheet, agenda and summary for each meeting. The Pre-Construction Meeting will be attended by three (3) staff members from CMA: the Project Director (Engineer of Record), a Project Engineer and an Associate Engineer. Depending on the content of the meeting, the Progress Meetings will be attended by two (2) staff members from CMA, an Associate Engineer and either the Project Director or a Project Engineer. Given the predicted six (6) month construction duration, it is assumed that meetings will be weekly for the first two months and every other week for the remaining four months for a total of sixteen (16) progress meetings. It is assumed that no separate or additional meetings beyond progress meetings will be required with other residents, stakeholders or utility providers.

Task 2.1 – On-Site Inspections and Oversight

During the construction of the project, a designate of the Engineer of Record will be routinely on-site to perform inspections and observation of the work in progress. The objective of the site inspection is to assure the Engineer that the construction is being completed in substantial accordance of the contract documents. This task is directly related to the ultimate Certification of Construction at the conclusion of the project is only intended to provide information to the Engineer of Record.

For scoping purposes, it is assumed there will be three categories of CMA staff members performing site visits: Associate Engineer, Project Engineer, and Project Director (Engineer of Record). During construction activities it is assumed that the Associate Engineer will be on-site twice per day to observe the Contractor, the Project Engineer will

be on-site twice a week and the Project Director will be on-site or responding to calls and emails as needed. The hours assumed will be as follows:

- Associate Engineer (5 hours per day)
- Project Engineer (8 hours per week)
- Project Director (1 hour per week)

It is assumed that the time allocated for on-site inspections and oversight will also encompass several not construction related coordination items, including the following:

- Resident coordination
- Updates for Town Staff regarding road closures to include on the Town website
- Coordination with utility companies during construction
- Coordination with City of West Palm Beach regarding water main construction and documentation

As noted in the Construction Phasing Plan, the construction duration is anticipated to be 6 months. Additionally, 4 hours per month will be allocated to the review and approval of Pay Requests from the Contractor. Based on the overall construction cost, approximately 15% of the hours are assumed to be allocated to water main inspections related to the City of West Palm Beach facilities.

This time allocation assumes work progresses on week days and during normal working hours. Night work will be limited to no more than two occasions for tie-ins at the intersections and weekend work is not planned but will be coordinated with the Town staff if needed.

Near the conclusion of the construction phase, CMA will attend one Substantial Completion Inspection in order allow for Certification of Construction. The Engineer of Record, Project Engineer and Associate Engineer will attend the site meeting. Any punch-lists or correspondence related to the Substantial Completion Inspection will be forwarded to the Engineer of Record. One Final Completion walk-through will be held including the Engineer of Record, or his designate.

Task 3.1 – As-Built Review

CMA will review as-built drawings prepared by others and provide comments and/or recommended corrections. The intent of this sub-task is to allow the Engineer of Record to assure himself that all aspects of the project were constructed in substantial conformance to the Plans and Specifications thereby allowing his to certify the construction.

Task 3.2 – Material Testing Review

CMA will review material testing performed by the Contractor.

Task 3.3 – Certification

Upon completion of the Final Inspection CMA will issue a certificate that the project was completed in substantial accordance with the plans. The certificate will be signed and sealed by the Engineer of Record and delivered to the TOWN five (5) working days after the final set of as-builts are completed.

In addition, the certification task will incorporate permit certification with PBCHD and close-out of water main related documentation with the City of West Palm Beach. Because the water main will be constructed in two phases, the there will be a partial and final close-out for the City of West Palm Beach permit with two separate sets of documentation submitted.

II. SCHEDULE

Construction is slated for May 1, 2019 – October 31, 2019.

III. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the TOWN with these services if necessary:

- Topographic Surveys
- Underground investigations
- Community workshops
- Public Information Mailings
- Contract Interpretation
- Construction Document Reproduction
- Preparation of As-Built Plans

IV. COMPENSATION

CMA will be compensated for the services described on a time and material basis in an amount of **$142,670** per attached Exhibit A.

Should you have any questions, please do not hesitate to contact me at my office at (561) 746-6900 x 1160, my cell phone at (561) 329-1797 or send me an electronic message at bwhitfield@chenmoore.com.

Respectfully submitted,

CHEN MOORE AND ASSOCIATES
Brent Whitfield/ Senior Project Manager

Attachment(s): Exhibit A

Cc. Mike Roach - Town of Palm Beach

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
Worth Avenue Infrastructure Improvements Construction Services

Chen Moore and Associates Project # P19.431

	Professional Staffing							Total
	Senior CAD Technician	Clerical	Senior Designer	Associate Engineer	Project Engineer	Senior Project Manager	Project Director	
Hourly Rate	$85.00	$60.00	$105.00	$115.00	$125.00	$170.00	$190.00	
TASK 1 – Pre-Construction Services and Coordination								
1.1A Review and Approval of Shop Drawings (Up to 10 for Water Main)				20	2			$2,550.00
1.1B Review and Approval of Shop Drawings (Up to 30 for Drainage/Sewer/Paving)				60	6			$7,650.00
1.2A Contractor RFI Responses (Up to 5 for Water Main)				10	5			$1,775.00
1.2B Contractor RFI Responses (Up to 15 for Drainage/Sewer/Paving)				30	15			$5,325.00
1.3.1 Pre-Construction Meeting				8	4		2	$1,800.00
1.3.2 Progress Meetings (Up to 16)				64	16		16	$12,400.00
Task 1 Total	$0	$0	$0	$22,080	$6,000	$0	$3,420	$31,500.00
TASK 2 – Onsite Inspections and Oversight								
2.1.1A Onsite Inspections (Assume 24 weeks - 15% of time for water main)				90	30		10	$16,000.00
2.1.1B Onsite Inspections (Assume 24 weeks - 85% of time for drainage/sewer/paving)				510	162		14	$81,560.00
2.1.2 Review of Pay Applications (Assume 6)				12	6		3	$2,700.00
2.1.3 Substantial and Final Completion Walk-Throughs				12	6		8	$3,650.00
Task 2 Total	$0	$0	$0	$70,380	$24,750	$0	$5,130	$103,910.00
TASK 3 – Project Close-Out								
3.1 As-Built Review				8	4		2	$1,800.00
3.2 Material Testing Review				8	4		2	$1,800.00
3.3A Certification (Partial and Final for Water Main)				8	6		2	$2,050.00
3.3B Certification (Drainage/Sewer/Paving)				8	4		1	$1,610.00
Task 3 Total	$0	$0	$0	$2,760	$1,750	$0	$1,140	$7,260.00

SUMMARY		**WPB**	**TOWN**	**TOTAL**
TASK 1 – Pre-Construction Services and Coordination	Water Main	$4,325		
	Drainage/Sewer/Paving		$27,175	
TASK 2 – Onsite Inspections and Oversight	Water Main	$16,000		
	Drainage/Sewer/Paving		$87,910	
TASK 3 – Project Close-Out	Water Main	$2,050		
	Drainage/Sewer/Paving		$5,210	
TOTAL		**$22,375**	**$120,295**	**$142,670**

RESOLUTION NO. 14-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF $164,070, TO CHEN MOORE AND ASSOCIATES, FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE WORTH AVENUE INFRASTRUCTURE IMPROVEMENT PROJECT, 400 BLOCK FROM COCOANUT ROW TO PERUVIAN AVENUE, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $164,070.

WHEREAS; Public Works identified infrastructure improvement requirements for the 400 Block of Worth Avenue, and;

WHEREAS; Purchasing has bid the project and recommended award which will require the construction phase engineering services; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of $164,070 to Chen Moore and Associates for Construction Phase Engineering Services.

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

Section 1. The award of a Purchase Order to Chen Moore and Associates in the amount of $164,070, is hereby approved.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____ 20__.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Board/Commission Annual Report

Agenda Title
Annual Report of the Landmarks Preservation Commission.

Presenter
Edward Cooney, Chair

ATTACHMENTS:

- **Memorandum Dated March 7, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- **LPC Annual Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

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

Re: Annual Report - Landmarks Preservation Commission

Date: March 7, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2018 by Edward Austin "Ted" Cooney, Chairman of the Landmarks Preservation Commission (LPC).

GENERAL INFORMATION

Attached is a summary of the activities of the Landmarks Preservation Commission for the past year. Edward Austin "Ted" Cooney, the Chairman of the Landmarks Preservation Commission, is prepared to address the Town Council with additional comments regarding the Commission's activities, and to answer any questions.

Attachment

JL

cc: Edward Cooney, Chairman, Landmarks Preservation Commission
Members, Landmark Preservation Commission
John Lindgren, Planning Administrator

Landmarks Preservation Commission - Annual Report 2018

The Commission held 12 regularly scheduled meetings in 2018, and had an average attendance rate of 92% with a total of 10 absences for the year (3 excused, and 7 unexcused).

The Commission reviewed 55 Certificates of Appropriateness, including C.O.A.'s for Lilly Pulitzer, the Everglades Club, the Four Arts Plaza, First National Bank (Wells Fargo), Royal Poinciana Plaza, Testa's eastern expansion, Duck's Nest, Memorial Fountain, and Bradley Park.

Eight (8) new properties were placed "under consideration" for landmarking by the Commission during 2018. The Commission was able to conduct eight new designation hearings prior to the end of the year. Five properties at – 137 Seaspray Avenue, 455 Australian Avenue, 138 Root Trail, 307 Brazilian Avenue, and 218 Seaspray Avenue – were landmarked according to the Town's program. Three properties – 130 Barton Avenue (amendment to designation to de-designate a portion of the site), 136 Dunbar Road, and 980 North Ocean Boulevard – were reviewed by the Commission, and found not to meet the designation criteria for landmarking, and were therefore not forwarded to Town Council.

The Commission conducted 22 informal reviews of zoning applications for recommendation to the Town Council.

On behalf of the Commission, staff conducted 124 approvals of minor projects and revisions, which was an 8.8% decrease from the previous year.

Staff conducted Member Orientation Meetings to review procedures and inform new members of ordinances, policies and procedural matters that they will encounter in future meetings.

Seven (7) tax abatement projects were reviewed by the Commission during the year. No tax abatements were concluded, ratified by the Town Council and forwarded to Palm Beach County and the Tax Appraiser's office for implementation; however, one tax abatement (330 Island Road) was removed per the request of the new property owner, and the property owner refunded the tax savings that he had previously received.

The Commission also actively worked on the following issues:

1) Participated in a discussion regarding the energy code and window tinting on historic structures, and how historic structures could be exempted from the energy code requirement;
2) Asked the Town Council to consider taking necessary steps to submit the Mizner Fountain and Memorial Park to the National Register of Historical Places; and
3) Continued with the completion of ethics training for new and older members as mandated by the Town and County.

Commissioners remain enthusiastic and engaged in their volunteer service to the Town, and look forward to the continued preservation of our heritage.

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Committee Reports

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

Presenter
Julie Araskog, Chair

ATTACHMENTS:

- **Report of the Ordinances, Rules and Standards Committee Meeting of February 7, 2019**

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, FEBRUARY 7, 2019

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards (ORS) Committee meeting was called to order on Thursday, February 7, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. COMMUNICATIONS FROM CITIZENS - *None*

V. REGULAR AGENDA

A. Old Business

1. Update on Efforts to Affect Changes to Florida Fish and Wildlife Commission Regulations, Relative to Shark Fishing.
   Jay Boodheshwar, Deputy Town Manager

   Deputy Town Manager Boodheshwar reported that the Florida Fish and Wildlife Commission received the Town's input and requests for modifications to the proposed rule language for chumming and shark fishing near the shoreline favorably. He added that the final approval to rule language will be finalized at their meeting on February 20, 2019.

   Chair Araskog expressed her appreciation to Mayor Coniglio and Coastal Program Manager Rob Weber for their advocacy efforts on the updated regulations.

2. Further Discussion and Review of Potential Modifications to Code of Ordinances at Chapter 66, Article IV, Relative to Regulation of Native Vegetation, Ficus Benjamina, Mulching, Hatracking, and Fertilization.

Josh Martin, Director of Planning, Zoning and Building

Chair Araskog thanked the sponsors, speakers and staff for the "*Where Have All the Songbirds Gone*" panel discussion that took place on Monday, February 4, 2019, in the Town Hall Council Chambers. She praised the panelists for their informative presentations on the harmful effects of pesticide use and best practices for greener landscapes to residents and landscape professionals.

Deputy Town Manager Boodheshwar spoke regarding the collaborative efforts over the years to modify Chapter 66 at Article IV. in order to promote greener, healthier and toxin-free landscapes without overregulating the residents. He provided a brief overview of the ordinance changes and the back-up material.

Josh Martin, Director of Planning, Zoning and Building, provided an overview of the revisions to Chapter 66 of the Town Code, which included specific recommendations provided to staff at the November Town Council meeting and the additional modifications related to the use of ficus benjamina based on the input received from the local garden club and landscape architects. He also presented staff's recommendations to modify certain sections of Chapter 66 relative to design requirements and native vegetation requirements.

Discussion ensued regarding the various methods used for tree pruning such as pollarding, hat racking and pleaching, the Town's approval process for landscape plans, the role of the Landmarks Preservation Commission and Architectural Commission (ARCOM) in reviewing and approving project plans and the goal of the *Purpose and Intent* section.

Chair Araskog requested the use of the word "encouraged" in the code language for Section 66-311 (d).

Committee Member Crampton expressed concerns with the enforcement and violation language used in the Code with respect to the removal or replacement of previously existing *Ficus benjamina* hedges. He also spoke regarding a reward system for the homeowners who make changes to their landscape plans to reduce the need for chemical pesticides.

In response to Mr. Crampton's questions and concerns, Director Martin clarified that the proposed 50% rule only pertains to new landscape plans that are presented to the Planning and Zoning Department.

John David Corey, 426 Australian Ave., spoke regarding the recent

applications and landscape plans submitted to ARCOM and commented on how helpful the ordinance language is to the landscapers, residents and ARCOM.

Bill Metzger, 277 Esplanade Way, expressed concerns with property owners being issued code violations for any dead plant materials as a result of the easement and transformer installations.

In response to Mr. Metzger, Deputy Town Manager Boodheshwar explained that there will be no penalties issued for any dead or damaged material as a result of the transformer installations and the Town will work with the residents on a case by case basis. He also asked for clarification on the tree *hatracking* regulation.

Motion was made by Committee Member Crampton, and was seconded by Chair Araskog to approve the modifications to Chapter 66 with the addition of the word "encouraged" to Section 66-311(d) and present it to the Town Council at their March 19, 2019 meeting. The motion passed unanimously.

B New Business

1. Discussion Regarding Concerns about Lake Trail Regulations
Nick Caristo, Acting Police Chief

Deputy Town Manager Boodheshwar spoke regarding the variety of concerns that have been brought forward from residents and elected officials regarding the misuse of the Lake Trail.

Acting Chief of Police Caristo reported on the Police Department's efforts to address safety issues for bicyclists and pedestrians who share the Lake Trail through education, increased patrols and enforcement.

Bill Metzger, 277 Esplanade Way, suggested the placement of "share the road" signs on the Lake Trail as a reminder to the bicyclists to be more pedestrian friendly.

Bill Bone, 322 Pendleton Lane, spoke in opposition to any new rules that may prohibit cyclists from using the Lake Trail. He pointed out that the Lake Trail was originally designed as a bicycle path and cited historical examples of its use. He thanked the Police Department and Chief Caristo for enforcing the rules equally fairly to pedestrians, cyclists and motorists.

John David Corey, 422 Australian Ave., spoke in support of Mr. Bone's comments and agreed that the Town does not need more regulation.

It was the consensus of the ORS Committee to direct the Police Department to continue with their pro-activeness and encourage courtesy on the Lake Trail.

VI. ANY OTHER MATTERS - *None*

VII. ADJOURNMENT

There being no further business to discuss, the Ordinances, Rules and Standards Committee Meeting was adjourned at 10:50 a.m.

APPROVED:

_____
Julie Araskog
Chair

ATTEST:

_____
Kathleen Dominguez
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Proposed Palm House Settlement Agreement.

Presenter
Cary Glickstein, Receiver

ATTACHMENTS:

- **Order approving sale of 160 Royal Palm, LLC.**

ORDERED in the Southern District of Florida on March 12, 2019.

Erik P. Kimball, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

In re:

160 Royal Palm, LLC, Case No. 18-19441-EPK

Debtor. Chapter 11

_____/

ORDER APPROVING SALE OF ASSETS TO LR U.S. HOTELS HOLDINGS, LLC FREE AND CLEAR OF ALL LIENS, CLAIMS, AND ENCUMBRANCES

THIS MATTER came before the Court for final hearing on March 8, 2019 at 10:00 a.m. EST (the "Sale Hearing") upon the *Expedited Motion to Approve (I) Private Sale of Real Property to LR U.S. Hotels, LLC and (II) Authorize Debtor's Advance of $250,000 to the Town of Palm Beach on Behalf of Buyer of Debtor's Assets* [ECF No. 604] (the "Motion") filed by 160 Royal Palm, LLC (the "Debtor"), and the *Order: (I) Granting Expedited Motion Seeking Approval of Procedures for Amended Sale Process and (II) Scheduling Final Hearing to Consider Approval of Sale of Assets Free and Clear of Liens, Claims and Encumbrances* [ECF No. 619] (the "Modified Bid Procedures Order").

Having reviewed the Motion, having considered the evidence admitted during the hearing, and having heard the arguments of counsel and being otherwise fully advised in the premises, for the reasons stated on the record at the hearing, and with the Court's oral findings of fact and conclusions of law stated at the hearing---which are attached hereto as **Exhibit A**---being fully incorporated herein,[1] the Court **FINDS and CONCLUDES** as follows:

A. The findings and conclusions incorporated herein and set forth herein constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rules 7052 and 9014.[2]

B. The Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (N). Venue of this case and the Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

C. The predicates for the relief sought in the Motion are 11 U.S.C. §§ 105, 363 and 365 and Federal Rules of Bankruptcy Procedure 6004 and 6006

D. Due and adequate notice of the Motion and of the relief requested therein has been given in accordance with the provisions of 11 U.S.C. §§ 102(1), 363 and 365, and Federal Rule of Bankruptcy Procedure 2002, 6004, 6006, and 9014. No other or further notice of the Motion, the proposed sale, or the Modified Bid Procedures Order is or shall be required. Such notice is evidenced in the certificates of service attached to the Motion and at ECF Nos. 94, 160, 276, 521, 540, and 620.

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[1] During the Court's delivery of its findings of fact and conclusions of law at the close of the hearing, the Court referred to the testimony of Gregg Glickstein. However, Gregg Glickstein did not testify at the hearing; rather, Cary Glickstein testified, and all references to the testimony of Gregg Glickstein should be construed as referring to the testimony of Cary Glickstein.

[2] To the extent any of the following findings of fact constitute conclusions of law, they are adopted as such.

E. The Asset Purchase Agreement (the "APA") attached to the Motion as Exhibit A between the Debtor and LR U.S. Hotels Holdings LLC ("LR", and with any wholly-owned assigns of LR, the "Buyer") for the purchase of the Assets defined therein for the cash price of $39,600,000 and the assumption of certain obligations set forth in Section 6.2 of the APA (the "Purchase Price") was the result of arm's-length, good-faith negotiations, and did not involve an agreement among potential bidders to control the sale price or other collusion.

F. The Assets (as such term is defined in the APA), including the real property located at 160 Royal Palm Way, Palm Beach, Florida, are property of the Debtor's bankruptcy estate under 11 U.S.C. § 541 and the Debtor has the requisite authority to convey the Assets.

G. The Debtor and the Buyer are proceeding in good faith, and the sale contemplated in the APA is being proposed in good faith.

H. The Buyer is unrelated to the Debtor or any of Debtor's current management, agents, representatives, or professionals. The Buyer is also unrelated to the Debtor's past and present principals and owners.

I. The Buyer is neither a successor nor a continuation of the Debtor.

J. There is a sound business justification for the sale of the Assets, and the Purchase Price is fair and reasonable.

K. A sale pursuant to 11 U.S.C. § 363(b) and (f) is the only current viable alternative for preserving and capturing the value of the Assets for the benefit of the Debtor's estate.

L. The Purchase Price as detailed in the APA offered by the Buyer and accepted by the Debtor constitutes the highest and best offer received by the Debtor for the Assets.

M. The APA and the transactions thereunder or in connection therewith, including, without limitation, any assumption and assignment of executory contracts or unexpired leases, are not being entered into to escape liability for the estate's debts.

N. The Debtor's review of the available public records evidences the following alleged potential claims, liens, interests and encumbrances relating to the Assets (collectively, the "Liens and Other Encumbrances"):

a. Interest of Palm House LLC, by reason of it being the sole member of the Debtor, and by reason of Palm Beach County Circuit Court Case No. 15-14228;

b. Interest of Ryan Black, by reason of any interest in the Debtor, by reason of Palm Beach County Circuit Court Case No, 14-12824, and by reason of Palm Beach County Circuit Court Case No. 15-14228;

c. Interest of Gerry Matthews, by reason of any interest in the Debtor, by reason of Palm Beach County Circuit Court Case No. 14-12824, and by reason of Palm Beach County Circuit Court Case No. 15-14228;

d. Interest of Robert V. Matthews, by reason of any interest in the Debtor;

e. Interest of Joseph J. Walsh, Sr., by reason of any interest in Palm House Hotel LLLP;

f. Mortgage of Palm House Hotel, LLLP, a Florida limited liability company, recorded in Palm Beach County Official Records Book 27103, Page 129; and Palm Beach County Circuit Court Case 14-14382 and Case 15-14480;

g. Lien of James F. Biagi, P.E., by reason of the Default Final Judgment filed in the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida, under Case No. CACE 15-005370 (08) recorded in Palm Beach County Official Records Book 27660, Page 1139;

h. Lien of Richard's Woodwork, Inc., a/k/a RFW Cabinetry and Millwork, a Florida profit corporation, by reason of the Final Judgment on Default for Plaintiff filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 2015CA004303 AB, recorded in Palm Beach County Official Records Book 27702, Page 1461;

i. Lien of David Campanaro by reason of the Final Judgment filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 2015CA005120XXXMBAF, recorded in Official Records Book

28122, Page 1965;

j. Lien of Place For Tile, Inc., by reason of the Final Default Judgment Against Defendant 160 Royal Palm, LLC, filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 2015CA002935XXXXMB, recorded in Palm Beach County Official Records Book 28517, Page 1307 and in Official Records Book 29606, Page 1097;

k. Lien of TWG Enterprises Waterproofing & Painting, Inc., by reason of the Final Judgment filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 2015CA012471XXXXMB, recorded in Palm Beach County Official Records Book 28038, Page 734;

l. Lien of Van Linda Iron Works, Inc., a Florida corporation, by reason of the Amended Default Final Judgment filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 2015CA013194XXXMB, recorded in Palm Beach County Official Records Book 28140, Page 1634;

m. Lien of New Haven Contracting South, Inc., by reason of the Final Default Judgment Against Defendant 160 Royal Palm, LLC, filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, under Case No. 2015CA013244XXXXMB, recorded in Palm Beach County Official Records Book 28877, Page 790;

n. Lien of Architectural Precast & Foam, LLC, by reason of the Final Judgment of Foreclosure After Default recorded in Palm Beach County Official Records Book 28560, Page 1512, and by reason of the Final Judgment for Attorney's Fees and Costs recorded in Official Records Book 28560, Page 1510, and by reason of the Consent Final Judgment for Post-Judgment Attorney's Fees and Costs Pursuant to Fla. Stat. 57.115 recorded in Official Records Book 28935, Page 975, all under Case No. 2015CA014459XXXXMB, in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida;

o. Lien of Xpert Elevator Services, Inc., by reason of the Claim of Lien Renewal recorded in Palm Beach County Official Records Book 29442, Page 819, which renewed that certain Claim of Lien Renewal recorded in Palm Beach County Official Records Book 28682, Page 78, which renewed that certain Claim of Lien Renewal recorded in Palm Beach County Official Records Book 27916, Page 492, which renewed that certain Claim of Lien recorded in Palm Beach County Official Records Book 27194, Page 1278;

p. Interest of the Securities and Exchange Commission by reason of United States District Court, Southern District of Florida, West Palm Beach Division Case No. 18-81038;

q. Interest of Maria Titova, as purported member of Palm House Hotel LLLP, the holder of a mortgage encumbering the subject property, per Palm Beach County Circuit Court Case No. 16-12723;

r. Interest of Daniel Gorman, as to any interest disclosed by Memorandum of Understanding Agreement recorded in Palm Beach County Official Records Book 27522 Page 958;

s. Liens or interests of the Town of Palm Beach and the Town of Palm Beach Code Enforcement Board as set forth in Claim No. 90 filed by such entities in this case, and by reason of the action by the Debtor against The Town of Palm Beach seeking extension of development permits in Palm Beach County Circuit Court Case No. 12-23613;

t. Interests of the individuals, known in this case as the EB-5 Investors, identified in the Notice of Appearance filed by Edward A. Marod, Esq. in this case at ECF No. 31;

u. Interests of the individuals, known in his case as the other EB-5 Creditors, identified in Claim Nos. 73 through 85; and

v. The lien of the Palm Beach County Tax Collector as evidenced by Claim No. 88 filed by that entity.

O. No holder of any lien, claim, interest, or encumbrance, including the holders of the Liens and Other Encumbrances (collectively, the "Interest Holders") timely objected to the Motion, and therefore, all Interest Holders have consented to the sale of the Assets to the Buyer free and clear of all interests, claims, liens, and encumbrances. Accordingly, the sale of the Assets free and clear of all liens, claims, interests, and encumbrances is appropriate pursuant to 11 U.S.C. § 363(f)(2).

P. The Purchase Price for the Assets exceeds the aggregate value of all liens on the Assets. Accordingly, the sale of the Assets free and clear of all liens is appropriate pursuant to 11 U.S.C. § 363(f)(3).

Q. The sole timely objection to the Motion was lodged by KK-PB Financial, LLC at ECF No.629 with respect to Claim No. 70-3. However, as set forth in this Court's Order at ECF

No. 603, Claim No. 70-3 is not an allowed claim, and KK-PB Financial, LLC does not hold a lien, claim, encumbrance, or interest in or on the Assets with respect to Claim No. 70-3. Further, even if it could be argued that the claim of KK-PB Financial, LLC has not been disallowed, KK-PB Financial, LLC's interest in the Assets with respect to Claim No. 70-3 would, at a minimum, be in bona fide dispute, and the sale of the Assets free and clear of all liens, claims, interests, and encumbrances is appropriate pursuant to 11 U.S.C. § 363(f)(4).

R. KK-PB Financial, LLC has not raised any objection under 11 U.S.C. § 363(f) and thus any such objection has been waived. This is another independent basis to approve the sale of the Assets free and clear of all liens, claims, interests, and encumbrances.

S. The Buyer would not have entered into the APA and will not consummate the transactions contemplated thereunder, thus adversely affecting the Debtor's estate and creditors, if the sale of the Assets is not to be entirely free and clear of all interests of any kind whatsoever, or if the Buyer will, or in the future could, be liable for any such interests (except for obligations expressly assumed in the APA).

T. Except as otherwise provided herein, all of the Debtor's title and interests in the Assets to be acquired by the Buyer under the APA shall be, as of the closing of the sale of the Assets transferred to and vested in the Buyer. Upon the occurrence of the closing and except as otherwise provided herein, this Order shall be considered and constitute for any and all purposes a full and complete general assignment, conveyance and transfer of title to the Assets acquired by the Buyer under the APA and/or a bill of sale or assignment transferring good and marketable, indefeasible title and interest in the Assets to the Buyer.

Accordingly, it is **ORDERED AND ADJUDGED** that:

1. The Motion [ECF No. 604] is **GRANTED** as set forth herein.

2. The Objection to Private Sale of Real Property to LR U.S. Hotels Holdings, LLC Free and Clear of Liens, Claims and Encumbrances [ECF No. 629] filed by KK-PB Financial, LLC, as well as any supplement thereto, including the document filed at ECF No. 631, and any oral objection lodged by KK-PB Financial, LLC, are OVERRULED.

3. Any interested party that has not filed a timely written objection to the Motion is deemed to consent to the sale of the Debtor's Assets to the Buyer under the terms of the APA and this Order.

4. Any remaining objections to the Motion asserted prior to or at the Sale Hearing are **OVERRULED** *in toto*.

5. The APA is **APPROVED**, and the parties thereto are authorized to immediately close and effectuate the sale of the Assets and all transactions set forth therein.

6. The provisions of this Order shall be binding upon and inure to the benefit of the Buyer and the Debtor and their respective successors and assigns (including any trustee or other estate representative appointed as a representative of the Debtor's estate or any estate in any successor cases). No third parties are intended to be or shall be deemed to be third party beneficiaries of this Order.

7. The sale and transactions contemplated by the APA are undertaken by the Buyer in good faith, as that term is used in 11 U.S.C. § 363(m), and accordingly, the reversal or modification on appeal of the authorization for the Debtor and the Buyer to consummate the sale and any transactions related to the sale shall not affect the validity of the sale of the Assets to the Buyer or its assigns, unless such authorization is duly stayed pending such appeal. The Buyer is a purchaser in good faith of the Assets and is entitled to all of the protections afforded by 11 U.S.C. § 363(m).

8. The Buyer entered into the proposed sale without collusion, in good faith, and from an arm's length bargaining position, and has not violated 11 U.S.C. § 363(n) by any action or inaction, and the APA does not violate the provisions of 11 U.S.C. § 363(n). The Debtor and the Buyer have not engaged in any conduct that would cause or permit the APA to be avoided under 11 U.S.C. § 363(n).

9. Pursuant to 11 U.S.C. §§ 363(f)(2), (3), and (4), and except as otherwise provided herein, upon entry of this Order and compliance with the requirements to close set forth herein and in the APA, the transfer of the Debtor's right, title, and interests in the Assets to the Buyer is in all respects a valid, legal and effective transfer of Assets to the Buyer, under Section 363(f) of the Bankruptcy Code, free and clear of all liens (as that term is defined in section 101(37) of the Bankruptcy Code), claims (as that term is defined in section 101(5) of the Bankruptcy Code), interests or encumbrances of any kind or nature whatsoever, including (but not limited to): (a) liens and claims that purport to give to any party a right or option to effect any forfeiture, modification, right of first refusal, or termination of the Debtor's interest in the Assets, or any similar rights, (b) liens and claims relating to taxes arising under, out of, in connection with, or in any way relating to the operation of the Assets prior to closing, and (c) (i) all mortgages, deeds of trust, security interests, conditional sale or other title retention agreements, pledges, liens, judgments, demands, encumbrances, rights of first refusal, or charges of any kind or nature, including, but not limited to, any restriction on the , transfer, receipt of income or other exercise of any attributes of ownership, and (ii) all debts arising in any way in connection with any agreements, acts, or failures to act, of the Debtor or any of the Debtor's predecessors or affiliates, claims, obligations, liabilities, demands, guaranties, options, rights, contractual or other commitments, restrictions, interests, and matters of any kind and nature, whether known or

unknown, contingent or otherwise, whether arising prior to or subsequent to the commencement of this case, and whether imposed by agreement, understanding, law, equity, or otherwise, including (but not limited to) claims otherwise arising under doctrines of successor liability (collectively, "Interests").

10. The sale of the Assets to the Buyer shall also be free and clear of any claims of successor liability. The Buyer, as the result of any action taken in connection with the purchase of the Assets, shall not be deemed to (a) be the successor of the Debtor; (b) have, *de facto* or otherwise, merged with or into the Debtor; (c) be a mere continuation or a substantial continuation of the Debtor or for payment of any benefit(s) accruing to the Debtor; (d) be a successor in interest to the Debtor under any theory of successor liability for employee-related claims against the Debtor and/or its principal brought under the Fair Labor Standards Act; or (e) be a successor of or to the Debtor for any other type of claims, interests or causes of action against the Debtor or the Assets of any kind whatsoever.

11. Any liens, claims, interests, or encumbrances which may exist, including but not limited to the Liens and Other Encumbrances, the claims included in the Debtor's schedules and proofs of claims filed against the Debtor, shall attach to the net proceeds of the sale of the Assets in the order of their priority, with the validity, force and effect that they now have, if any, against the Assets, subject to the rights, claims, defenses and objections of the Debtor and all interested parties with respect to such liens, claims, interests, or encumbrances, and further subject to the terms of any chapter 11 plan filed in this case and confirmed by the Court.

12. The Buyer is authorized to execute any document necessary to release, extinguish, discharge, or avoid any liens, claims, interests, or encumbrances any party continues to assert against the Assets or Buyer subsequent to the entry of this Order.

13. The Buyer is authorized to obtain any further order from this Court to release, extinguish, discharge, or avoid any liens, claims, interests or encumbrances any party continues to assert against the Assets of the Buyer subsequent to the entry of this Order.

14. All Interests Holders asserting liens, claims, interests or encumbrances against the Assets are hereby enjoined from continuing to assert such liens, claims, interests or encumbrances against the Assets or the Buyer subsequent to the entry of this Order.

15. If any person or entity that has filed financing statements, mortgages, mechanic's liens, *lis pendens*, or other documents or agreements evidencing liens, claims, interests, or encumbrances in the Assets shall not have delivered to the Debtor prior to the closing of the sale of Assets, in proper form for filing and executed by the appropriate parties, termination statements, instruments of satisfaction, releases of all interests which the person or entity has with respect to the Assets, then following closing of the sale of the Assets to the Buyer, (a) the Debtor is authorized to execute and file such statements, instruments, releases, and other documents on behalf of the person or entity with respect to the Assets, and (b) the Buyer is authorized to file, register, or otherwise record a certified copy of this Order in the public records of Palm Beach County which, once filed, registered, or otherwise recorded, shall constitute conclusive evidence of the release of all claims, liens, interests, and encumbrances in the Assets of any kind or nature whatsoever.

16. The Debtor shall cause the return of the deposit paid by RREF II Palm House, LLC pursuant to the terms set forth in the Asset Purchase Agreement executed on September 27, 2018 by the Debtor and RREF II Palm House, LLC.

17. Upon the closing of the sale of the Assets to the Buyer, from the proceeds of the sale, the Debtor shall, expeditiously, pay the $350,000 breakup fee now owed to RREF II Palm

House, LLC as a result of the sale.

18. Upon the closing of the sale of the Assets to the Buyer, the Buyer shall expeditiously pay to the Debtor the $250,000 advanced by the Debtor on the Buyer's behalf via the Debtor's payment of such sum to the Town of Palm Beach and the Town of Palm Beach Code Enforcement Board on or about February 28, 2019. From such sum, the Debtor shall repay the court-approved retainer funds advanced by Shraiberg, Landau & Page, P.A. from that law firm's trust account, with such funds to be placed back in trust as part of the court-approved retainer.

19. All other terms and conditions set forth in the APA are incorporated herein by reference. The failure to include any particular provisions of the APA in this Order shall not diminish or impair the effectiveness of such provisions, it being the intent of the Court that the APA be authorized and approved in its entirety, as set forth herein.

20. Subject to the terms of this Order and the APA, the Debtor is authorized and directed to execute, deliver, receive, exchange and record any and all documents and instruments necessary to effectuate the sale of the Assets pursuant to the terms of the APA.

21. The Debtor has full power and authority and is instructed to execute the documents contemplated in the APA including without limitation any conveyance deeds and bill of sale, together with any other documents as may reasonably be required to implement and consummate the sale of the Assets by the Debtor to the Buyer and the transactions contemplated under the APA, which actions have been duly and validly authorized by the Debtor, and the Debtor has all the power and authority necessary to consummate the transactions contemplated in this Order.

22. The Debtor shall immediately serve a copy of this Order pursuant to Bankruptcy

Rules 6004(a), (c), 6006, and 2002(a)(2) upon: a) the Office of the United States Trustee; b) all creditors of the Debtor; c) all Interest Holders asserting a claim, lien, encumbrance or interest on or in the Debtor's assets; and d) all parties who have requested notices pursuant to Rule 2002.

23. The Court retains jurisdiction to enforce and implement the terms and provisions of the APA, all amendments and modifications thereto, any waivers and consents thereunder, and of each of the agreements executed in connection therewith in all respects, including, but not limited to, retaining jurisdiction to: a) subject to the terms and conditions of the APA and this Order, compel delivery of the Assets to the Buyer or its assigns; b) compel delivery of the Purchase Price by the Buyer, or its assigns, or performance of other obligations of the Buyer, or its assigns, contained in the APA or agreements executed by the Debtor in connection therewith; c) compel performance of all obligations of the Debtor contained in the APA; d) resolve any disputes arising under or related to the APA, except as otherwise provided therein; and e) interpret, implement, and enforce the provisions of this Order.

24. The Court expressly waives the stay requirement enumerated in Federal Rule of Bankruptcy Procedure 6004(h) such that entry of this Order shall not be subject to an automatic fourteen (14) day stay and such that this Order is effective immediately. Notwithstanding the possible applicability of Federal Rule of Bankruptcy 6006(d) and 7062, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

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Submitted by:

Philip J. Landau
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Philip J. Landau is directed to serve a copy of this Order on all parties in interest and to file a certificate of service.

EXHIBIT A

In re: 160 Royal Palm, LLC
Case Number 18-19441
Chapter 11

After an evidentiary hearing held on March 8, 2019, on the *Expedited Motion to Approve (I) Private Sale of Real Property to LR U.S. Hotels Holdings, LLC and (II) Authorize Debtor's Advance of $250,000 to the Town of Palm Beach on Behalf of Buyer of Debtor's Assets* [ECF No. 604] and the *Debtor's Motion to Strike KK-PB's Objection to Private Sale* [ECF No. 630], the Court made the following findings of fact and conclusions of law on the record:

This is the Court's ruling on the motion for sale filed by 160 Royal Palm, LLC, the debtor in this case. The motion can be found in the docket at ECF number 604. On February 28, 2019, the Court held a hearing on the sale motion as well as a hearing on a motion to shorten notice for the proposed sale. The motion to shorten notice was filed at ECF number 608 and was granted by an order entered at ECF number 627. The motion for sale was granted in part by an order entered at ECF number 619. The Court granted the sale motion to the extent that the Court approved a revised procedure for the sale of the Debtor's hotel property and related assets, which are substantially all of the assets in this bankruptcy estate. The Court's revised sale procedures order, entered at ECF number 619, reserved for today the consideration of any objections to sale under section 363 of the Bankruptcy Code and applicable law and the potential approval of a sale of the Debtor's assets to the winning bidder under a revised sale procedure.

There was only one timely objection filed to the sale motion. KK-PB Financial, LLC filed a timely written objection at ECF number 629. The objection was filed solely on behalf of a single entity identified as KK-PB Financial, LLC. The filed objection references only KK-PB's mortgage claim which was previously disallowed in this case.

The sale motion now before the Court is a continuation of a sale process started by the Debtor on October 1, 2018, when the Debtor filed its initial motion for approval of a sale procedure. That motion can be found at ECF number 92. The Court held a hearing on that earlier sale motion on October 10, 2018, and entered a sale procedures order on October 16, 2018. That order is at ECF number 154.

The initial sale procedures order set a bid deadline of November 9, 2018, an auction date of November 16, 2018, and a hearing to consider approval of the sale immediately following the auction on the same date. Consistent with regular practice in this district and elsewhere, where an auction procedure is employed, the initial sale procedures motion set up a two-step process. The first step was for the Court to approve the procedure for obtaining qualified bids and the auction itself, and the second step would be for the Court to consider the proposed sale to the winning bidder selected by the Debtor. As I will address in a few minutes, the motion for sale before the Court today relies on a similar procedure.

The originally proposed sale procedure was interrupted by litigation between the Debtor and the EB-5 investors on one side and KK-PB Financial on the other regarding, among other things, whether KK-PB would be permitted to credit bid in connection with the sale of the hotel property. The Debtor's motion to deny KK-PB any right to credit bid and KK-PB'S mirror image motion to

estimate its claim were initially set for hearing on October 24, 2018. Those matters were then set for evidentiary hearing on December 6, 2018.

In the meantime, the Debtor negotiated an important settlement with the Town of Palm Beach. You can find the Court's order approving that settlement at ECF number 204, entered November 6, 2018. That order was final long ago. The Debtor and the Town settled two claims of the Town, exceeding $4 million in the aggregate, in exchange for payment of $250,000.00, among other things. Part of the Town's claim is potentially a secured claim. It is important to note that, absent consummation of the settlement, the Town's claims continue to grow post-petition. The settlement agreement with the Town required that the settlement amount be paid and certain other actions be undertaken by a qualified buyer, a defined term in the settlement agreement. The original payment deadline was December 31, 2018, and the qualified buyer could obtain an extension of development approvals through April 30, 2019 provided that not later than that date the qualified buyer pursued with the Town various requirements in connection with the continued development of the hotel project, spelled out in detail in the settlement agreement. I am leaving out a number of conditions contained in the agreement with the Town. In general, the settlement with the Town of Palm Beach is significant for this bankruptcy estate because it does two things. It greatly reduces claims against the estate and stops the continued accrual of claims that may be administrative expenses, thus coming ahead of unsecured creditors in this case. And it gives the Debtor the opportunity to sell the hotel property to a party acceptable to the Town along with the ability of the purchaser to preserve certain important development rights.

Strangely, KK-PB's third argument in its written objection to the sale motion presented a belated objection to the settlement with the Town of Palm Beach. The settlement with the Town was approved after a hearing on notice to all parties in interest including KK-PB. In a supplement filed at ECF number 631, KK-PB withdrew that objection, but raised a concern that a disclosure made at the initial hearing on the present sale motion might affect the ability of the new buyer identified in the present sale motion to take advantage of the settlement with the Town. The issue of whether both the original stalking horse bidder and the proposed new buyer were qualified buyers under the settlement with the Town was considered at that initial hearing on the sale motion before the Court today. Indeed, the Court took a recess to permit counsel for the Debtor, the Town, and the bidding parties to address the issue. As a result, the order setting this sale hearing, entered at ECF number 619, includes a relevant finding consistent with the agreement that counsel for the Debtor and the Town announced on the record. This revised objection of KK-PB is therefore overruled.

Because of the litigation with KK-PB over its claim and its claimed right to credit bid, the Debtor requested and the Court approved a revised bid procedures order. You can find the Court's order at ECF number 273. The Court set a new bid deadline of December 7, 2018, and set the auction and sale hearing on December 14, 2018.

In light of the extensive discovery undertaken by the Debtor, the EB-5 investors, and KK-PB in connection with KK-PB's alleged mortgage claim, the Debtor asked to move the evidentiary hearing on the motion to estimate KK-PB's claim and the Debtor's motion to deny KK-PB any credit bid right, and also to further delay the previously approved sale procedures. The Court entered an order at ECF number 389, on December 14, 2018. The evidentiary hearing was moved to several days in January 2019, the bid deadline was moved to January 21, 2019, and the auction and sale hearing were moved to January 28, 2019. The Court later entered an order addressing procedures for the evidentiary hearing, at ECF number 480, which order was amended at ECF number 511.

After the first two days of the evidentiary hearing on KK-PB's mortgage claim and whether KK-PB would have a credit bid right, the Debtor and KK-PB entered into settlement negotiations and announced a potential settlement. As a result, the Court entered an order at ECF number 518 continuing generally the matters that had been set for evidentiary hearing, pending the presentation and potential approval of the settlement by the Court.

At the Debtor's request, the Court again moved the bid deadline to January 31, 2019 and the auction and sale hearing to February 5, 2019. You can find this order at ECF number 520.

A motion to approve the settlement between the Debtor and KK-PB was filed at ECF number 523.

In light of the pending settlement, at the Debtor's request the Court again delayed the bid deadline to March 4, 2019 and the auction and sale hearing to March 8, 2019. You can find this order at ECF number 537. This is the most recent order amending the original sale procedure that was first presented to the Court in October 2018. The Court notes that this revised order was served on all parties in interest, including any and all parties who may have a lien or interest in the property to be sold, more than 30 days ago. So, while the Court has shortened notice of the sale proposed in the sale motion currently before the Court, all parties in interest have had notice for a month that there would be a sale on this date of the Debtor's hotel and related assets. Indeed, all parties in interest have had notice of a proposed sale of these assets since last fall.

The Court held a hearing on the proposed settlement between the Debtor and KK-PB on February 8, 2019 and disapproved the settlement by order entered February 11, 2019. That order is at ECF number 560 and incorporates detailed findings of fact and conclusions of law made on the record. The Debtor's manager, Gregg Glickstein[1], testified today that even as the Court was hearing the Debtor's motion to approve that settlement, KK-PB had failed to tender the deposit required under the settlement. In other words, KK-PB was in default of the settlement that KK-PB wanted the Court to approve. If the Court had known this at the time, this would have been additional reason to disapprove the proposed settlement. But today that testimony bolsters the Debtor's reasonable exercise of its business judgment in determining that it is not in the best interests of the estate to pursue a potential deal with KK-PB, which I will address in a few minutes.

Because the settlement was not approved, the parties returned to evidentiary hearing on estimation of KK-PB's claim and the Debtor's motion to prohibit KK-PB from credit bidding. By order entered at ECF number 569, the Court set the remaining two days of evidentiary hearing and then closing arguments on a separate day. After closing arguments on February 22, 2019, the Court made extensive findings of fact and conclusions of law which are incorporated into a written order entered at ECF number 603. In short, the Court determined to estimate the claim of KK-PB on account of its note and mortgage as an unsecured claim in the amount of $0 for all purposes in this case. The Court ruled that KK-PB has no right to credit bid in a sale of the debtor's assets on account of the note and mortgage. The Court's order was entered on February 26, 2019 and so the appeal period on that order will run on March 12, 2019, which is next Tuesday. That the Court's order entered at ECF number 603 remains subject to a motion for rehearing or the filing of an appeal has no impact on its validity or effectiveness. Under the Bankruptcy Rules and applicable law, which

[1] The Court intended to refer to Mr. Cary Glickstein.

provide only a few exceptions not relevant here, that order was immediately effective upon entry. It is not stayed.

During all of these delays in the sale procedure, the Debtor has been actively marketing its hotel property and otherwise attempting to maintain the value of its assets for the bankruptcy estate and valid creditors. Not only did the Debtor obtain extensions from its original stalking horse bidder, to delay the auction and sale to permit litigation with KK-PB, but the Debtor has negotiated a contract substantially more favorable to the estate than its original stalking horse contract, which new contract was itself subject to additional bidding. And, the Debtor has negotiated extensions of the settlement agreement with the Town of Palm Beach to permit bidders and, more importantly, the bankruptcy estate to take advantage of that important settlement. The sale motion before the Court today is a continuation of the Debtor's significant efforts to achieve the best possible recovery for valid creditors of this bankruptcy estate, including dozens of foreign investors who claim that tens of millions of dollars they sent to the United States were funneled through the hotel project and allegedly fraudulently misappropriated by persons then in control of the Debtor and those in conspiracy with them.

The Debtor's motion at ECF number 604 represents the Debtor's effort to obtain approval of a sale of the Debtor's hotel property and related assets to LR U.S. Hotels Holdings, LLC, subject to an over-bid from the original stalking horse bidder, RREF II Palm House LLC, and subject to a potential final bid from LR. The Debtor has vetted both of these bidders and determined that they are ready, willing, and able to consummate the contracts they presented. The proposed purchase price offered by LR is $39.6 million plus certain assumed obligations. The cash portion of the purchase price offered by LR is $7.6 million, or nearly 24%, higher than the original stalking horse bid presented to the Court in October 2018.

As a first step in the process proposed in the Debtor's sale motion, on February 28, 2019, the Court considered revised procedures for the sale of the Debtor's hotel and related assets and entered a revised procedures order at ECF number 619. In connection with that revised procedure, the Debtor withdrew its original sale motion. The new procedure contemplates what the Debtor described as a private sale to LR subject to an over-bid from RREF II and then, potentially, a final bid from LR. But, in reality, the new procedure approved by the Court is simply an amendment to the original auction procedure with two potential bidders. This is because the contract attached to the present sale motion, the form of which the Court has already approved, permitted a potential higher and better offer from the original stalking horse bidder, and then provided an additional right of the new buyer to top even such a final bid by the original stalking horse bidder. In other words, the revised procedure approved by this Court contemplated the possibility of further bidding in the form of two final bids. In approving the revised procedure, the Court found this arrangement appropriate under the circumstances as it will permit the Debtor to attempt to obtain the best possible recovery for the estate. Based on Mr. Glickstein's credible testimony today, after many months of extensive marketing and communications with potential buyers of this significant asset, LR and RREF II are the only bidders now interested in the hotel property at the present price levels. This is other than the proposal of KK-PB presented today at the hearing, which I will address in a few minutes. Thus, in effect, the revised procedure is the equivalent of requiring the final two bidders to present their last two offers in a controlled process. Given the significance of the assets to be sold and the sophistication of the bidders, this arrangement is appropriate. The Court finds that this procedure was reasonably designed to obtain the best possible recovery for the estate and is well within the exercise of the Debtor's reasonable business judgment.

KK-PB's first argument in its written objection reads as follows: "First, the expedited Sale process (structured as a private sale to LR) and abandonment of a public auction process (previously approved by this Court) is substantively and procedurally defective." KK-PB complains that the revised sale procedure approved by the Court resulted in the abandonment of the original auction process in favor of a private sale to a specific party and the elimination of competing bidders other than the original stalking horse bidder. Based on the evidence before the Court, including Mr. Glickstein's credible testimony, the final two bidders are in fact the only bidders reasonably identified by the Debtor and its professionals that were willing and able to consummate a sale near the presently proposed sale price and that are likely to comport themselves in a manner that does not result in further cost and delay to the estate and creditors. As the Court has already found today, in light of the circumstances of this case, the revised sale procedure in place now is an appropriate method for the Debtor to follow through on its extensive efforts to sell the hotel property for the best possible recovery and the ultimate benefit of the estate and valid creditors. The revised procedure is not in any way substantively defective or procedurally defective. The Court notes that the EB-5 investors, who hold an overwhelming majority of the unsecured claims in this case, wholeheartedly supported the revised sale procedure and the proposed sale itself.

Today, more than two days after the objection deadline, with no prior notice to the Debtor or the Court, literally during the sale hearing, KK-PB attempts to present its own offer to purchase the Debtor's hotel property and related assets. KK-PB proposes a cash purchase price of $40.6 million, plus the assumed liabilities identified in the contract attached to the Debtor's sale motion, plus an additional $5 million dollars to cover the claim of the Town of Palm Beach presented in its previously filed proof of claim, but only to the extent that claim is allowed after an opportunity for objections. The reason for the extra $5 million is that KK-PB is not a qualified buyer under the settlement with the Town of Palm Beach, so that settlement would fail and the estate would not have the benefit of the significant settlement of those claims. Note that the Town of Palm Beach today suggests that if the settlement is not consummated, the Town likely will have other claims against the estate and those may include administrative expense claims that would come ahead of unsecured creditors. Thus, even assuming the basic terms of KK-PB's last minute proposal, it may not in fact represent the $1 million increase in value to the estate that it presents on its face. But let us assume for a moment that the KK-PB proposal represents a $1 million potential benefit to the estate. KK-PB's proposal includes as a required component that there be an auction procedure, set out about 30 days from now, at which other parties would also be permitted to bid. So the KK-PB proposal made today includes an initial topping offer, but would require a delay of at least a month for an additional auction procedure.

I should point out that the proposal of KK-PB was made orally during the hearing and was somewhat in flux as counsel for KK-PB presented the proposal. There was no written proposal offered. It is impossible to overstate how unusual this last minute proposal is in the context of a sale of this particular asset. Does it sometimes happen that bidders show up at a bankruptcy sale hearing to present a last minute bid? Yes, it does. Does it happen in cases such as this where the asset is of significant value and the due diligence required to present a reasoned bid typically requires extensive review of data and discussion with the debtor? In my 28 years experience with bankruptcy sales, it does not.

The KK-PB proposal is an untimely objection to the sale. The Court set an objection deadline. KK-PB filed an objection. This proposal was not included in the written objection. KK-PB's proposal is due to be overruled for this reason alone. But, even if KK-PB's proposal does not amount

to an untimely objection, the Debtor has exercised its reasonable business judgment in not pursuing KK-PB's proposal.

The Debtor opposes the KK-PB proposal. The EB-5 investors also oppose the KK-PB proposal. The Debtor offered the testimony of Mr. Glickstein to support the Debtor's view that, in the Debtor's reasonable business judgment, the KK-PB proposal does not in fact represent a more favorable offer to the estate than the one proposed in the sale motion. The Court credits all of Mr. Glickstein's testimony on this issue, which was thorough and credible. Among other things, Mr. Glickstein testified that the potential for about a $1 million increase in the overall sale price was not worth the risk that KK-PB, and its principal Mr. Glenn Straub, would take action that would greatly increase the costs to the estate. Mr. Glickstein pointed to specific experience with Mr. Straub in this very case to support Mr. Glickstein's view that the potential increase in recovery was far outweighed by the risk of additional litigation. Mr. Glickstein stressed the strength of the purchaser identified in the sale motion. Mr. Glickstein testified that a delay in the sale process would require the Debtor to attempt to obtain debtor in possession financing, as the Debtor has run out of funds, and that he believes he is unlikely to be able to find such financing. Based on the evidence before the Court, the Court finds that the Debtor has exercised its reasonable business judgment in determining not to pursue the proposal made by KK-PB at today's hearing.

The Debtor filed a motion to strike KK-PB's filed objection. The motion to strike is in the docket at ECF number 630 and was also set for hearing today. KK-PB filed a response at ECF number 632. Late last night, KK-PB filed a supplement to its response at ECF number 641. The motion to strike was withdrawn on the record today and the Debtor is directed to file a formal withdrawal. In spite of the withdrawal of that motion, it is appropriate for the Court to address KK-PB's standing to object to the proposed sale.

There are two potential sources of standing for KK-PB to object to the sale. The first is its claim represented by proof of claim number 70-3, which is the mortgage claim that the Court disallowed because the mortgage and the note it secures are both subject to avoidance. The second possible basis for KK-PB to have standing to object to the sale is that KK-PB has acquired a claim previously held by New Haven Contracting South, Inc., which was presented in proof of claim number 72-1 filed on behalf of New Haven. At the hearing today, KK-PB presented a fully executed copy of an agreement relating to the acquisition of that claim and testimony on behalf of both New Haven and KK-PB regarding the transaction.

KK-PB pointed only to section 1109 of the Bankruptcy Code as the basis for standing in this matter. Section 1109 provides a non-exclusive list of persons who have statutory standing to appear and be heard in chapter 11 cases. That list includes the term "creditor." "Creditor", in turn, is defined in section 101(10) as an entity with a claim against the debtor. And the term "claim" is defined to include any right to payment even if it is disputed. Based on these provisions, KK-PB argued that it has a claim, albeit disputed, based on the mortgage and note, is thus a creditor, and so has statutory standing under section 1109. This is not accurate. KK-PB's mortgage claim is not simply disputed. KK-PB's mortgage claim has been disallowed under section 502(c). As the Court pointed out in detail in the estimation ruling, citing law so well settled that it is set out as black letter law in the leading treatise on bankruptcy, the estimation of KK-PB's mortgage claim pursuant to section 502(c) was the final determination of the claim for purposes of this case. Indeed, the statutory provision itself states that estimation is for purposes of allowance. KK-PB has no right to payment in this case as a result of its mortgage claim, and so is not the holder of a claim in connection with its mortgage or note, is

not a creditor for those purposes, and thus has no statutory standing under section 1109 as a result of its mortgage claim.

KK-PB argued that because the Court used the phrase "estimated as an unsecured claim in the amount of $0" in the estimation ruling, that means KK-PB has an unsecured claim that entitles it to statutory standing under section 1109. This is a disingenuous argument and counsel for KK-PB well knows this. The Court used the word "unsecured" to summarize the ruling that KK-PB's mortgage was not enforceable and the Court used the term "$0" to indicate that KK-PB had no right to payment whatsoever. This is the same as disallowance of KK-PB's mortgage claim. Throughout the ruling the Court repeatedly referenced disallowance under section 502(c). Indeed, the Court specifically stated in the ruling that "KK-PB has neither a lien nor an allowed claim." It is no surprise to KK-PB that its mortgage claim has been disallowed in this case.

KK-PB does have standing under section 1109 as a result of the claim it acquired from New Haven. This means only that KK-PB had the right to file a timely objection.

I will now address the relevant provisions of the Bankruptcy Code and applicable law as they apply to the Debtor's sale motion and will address the objections raised by KK-PB that appear to relate to those provisions. I note that in KK-PB's written objection and also in court today, KK-PB did not raise any specific objection under any provision of section 363(f). Indeed, that provision is not even cited in the filed objection. Perhaps more importantly, in its written objection KK-PB raised no objection that it might have presented as a result of any secured claim it has acquired from New Haven, and so any such objection was waived.

The Debtor seeks an order approving the proposed sale free and clear of liens under section 363(b) and section 363(f). Section 363(f) provides that the Court may approve a sale free and clear of liens if any one of the subsections of section 363(f) is satisfied. In this case, there are three independent subsections of section 363(f) that would permit the proposed sale.

Under section 363(f)(3), the Debtor can sell an asset of the estate free and clear of an interest in property if the interest is a lien and the sale price is greater than the aggregate value of all liens. There are differing views as to the meaning of this provision. The Court is not aware of any binding case law in this Circuit. In the Court's view, the proper interpretation of this provision is that it requires a sale price greater than the amount of all valid debts secured by valid liens on the property to be sold. Stated another way, to take advantage of section 363(f)(3), the sale price must exceed the total of all claims that are secured by liens in the property, without taking into account a separate valuation of the property to be sold. Identify each claim that is secured by a lien. Add up the amount of all of those claims. The sale price must exceed that aggregate. In light of the Court's ruling that KK-PB does not have a valid mortgage on the hotel property, and the disallowance of the related claim, KK-PB does not have a lien on the property to be sold, or even a claim in this case, resulting from the mortgage and note. KK-PB has no right to object to the proposed sale under section 363(f)(3) as a result of its mortgage claim. Under the Court's prior ruling, the same analysis applies to Palm House Hotel, LLLP. Even if all other secured claims are taken into account, including the New Haven claim acquired by KK-PB, the total amount of claims potentially secured by liens on the property to be sold is much smaller than the proposed purchase price. Thus, the Debtor's motion can be granted pursuant to section 363(f)(3).

Under section 363(f)(4), the Court may approve a sale free and clear of liens and other interests, over the objection of a party claiming such a lien or interest, if the lien or interest is in bona fide dispute. The Debtor has the burden of showing that the lien of a party objecting to a sale free and clear is in bona fide dispute. Under applicable case law, the Court must determine whether there is an objective basis for either a factual or legal dispute as to the validity of the lien in question. The Court is not required to resolve the dispute before authorizing a sale, but only to identify that there is an objective basis for the dispute. In this case, the Court has already ruled, after a four and a half day estimation hearing, that KK-PB has no mortgage on the hotel and no claim in this case resulting from its mortgage and note. The Court's order to that effect remains in effect and enforceable. That ruling is preclusive here. But even if it could be argued that KK-PB's mortgage claim must be reconsidered in the context of this sale motion, which is not in any way supported in the law, there is at the very minimum a bona fide dispute with regard to the mortgage lien of KK-PB. Because any lien KK-PB may have as a result of acquiring the New Haven claim will attach to the proceeds of sale, KK-PB also does not have a right to object to sale under section 363(f)(4) on account of that claim. In any case, that objection was waived, as I noted earlier. Thus, the Debtor's motion can be granted pursuant to section 363(f)(4). This is an independent basis to grant the motion.

Finally, under section 363(f)(2), a debtor may sell property free and clear of any interest in the property if the holders of interests in the property consent. There is case law to support the Debtor's argument that the failure to object by the holder of a lien allegedly secured by property to be sold under section 363 is sufficient to constitute consent under this provision. There was ample due process here. While KK-PB filed a timely objection to the sale, in that filed objection KK-PB did not in any way suggest that it was objecting on account of its alleged secured claim that it acquired from New Haven. Indeed, the objection refers to KK-PB's claim in this case to be its mortgage claim that the Court has disallowed. As previously stated, any objection by KK-PB under section 363(f)(2) is not timely and was waived. Thus, the Debtor's motion can be granted pursuant to section 363(f)(2). This is yet another independent basis to grant the motion.

Section 363(e) requires the Court to condition any sale approved under section 363 by providing adequate protection to a party with a lien or other interest in the property to be sold. The most common form of such adequate protection is to provide that the party has a lien on the proceeds from the sale consistent with its pre-bankruptcy lien priority. KK-PB is not entitled to adequate protection in connection with its mortgage claim as, again, the Court has already ruled that KK-PB does not have a valid mortgage on the property. KK-PB will not have the benefit of any lien on the proceeds as a result of its now disallowed mortgage claim.

KK-PB's second argument in its written objection is aimed at the adequate protection question. It states: "Second, all proceeds of any Sale of the Assets should be held by the Debtor subject to further order of the Court, and any order approving the Sale should not contain the language above set forth in paragraph 22 of the Motion with respect to KK-PB Financial. Although the Court entered an order estimating KK-PB Financial's secured claim on the Assets at $0.00 pursuant to that certain order estimating claim dated February 26, 2019 (the "Estimation Order"), such Estimation Order is not final and remains subject to reconsideration and/or appeal pursuant to the applicable rules." In paragraph 22 of the sale motion the Debtor sought an order providing that liens will attach to the proceeds of sale in the order of their priority but specifically stating that KK-PB will not have a lien on the proceeds arising from its mortgage claim. As the Court has pointed out, in light of the disallowance of KK-PB's mortgage claim for all purposes in this case, and particularly for purposes of this sale, KK-PB is not entitled to any adequate protection of that alleged secured claim and so is

not entitled to a lien on the proceeds of sale. The fact that the Court's estimation order remains subject to a request for rehearing or appeal has no impact on this issue. Indeed, the Court notes that it is not uncommon for alleged secured claims to be estimated during a sale hearing for purposes of considering objections under section 363(f), and such estimations are then immediately relied on in connection with the proposed sale.

KK-PB argues that the language requested by the Debtor is an inappropriate inclusion of the estimation order in a proposed sale order. The Debtor has agreed not to include a specific reference to KK-PB in this context. Even so, this has no impact on the effect of the sale order as under the typical language that will be included in the sale order KK-PB would not be entitled to any interest in the sale proceeds on account of its mortgage claim.[2]

The sale procedure approved by the Court in the order entered at ECF number 619 has been implemented in good faith by the Debtor and the Debtor has obtained a final contract from LR U.S. Hotels Holdings, LLC at a cash purchase price of $39.6 million plus additional sums as stated in the contract.

The Debtor and LR have asked the Court to find that LR has acted in good faith in connection with the sale. This request is made in light of sections 363(m) and (n). The effect of a good faith finding consistent with these provisions is that an appeal from a sale order is moot if the appellant has failed to obtain a stay of the sale order. In order to preserve the sanctity of bankruptcy sales, such a finding is routinely requested. The Bankruptcy Code does not provide a definition of good faith for this purpose. Under the case law, it is generally held that good faith involves the integrity of the purchaser in the course of the sale proceedings. Typically, lack of good faith is shown by fraud, collusion between the purchaser and other bidders or the debtor, or an attempt to take grossly unfair advantage of other bidders.

In this case, LR offered the proposed testimony of its officer, Neil Teplica, which was accepted without objection. In addition, the Court admitted the affidavit of Mr. Glickstein, the manager of the Debtor, and Mr. Glickstein testified.

From the evidence before the Court, it is clear that LR and the Debtor have acted in good faith in all regards in connection with these sale proceedings. LR and the Debtor negotiated the sale contract at arm's length. LR has no prior connection with the Debtor, any previous owner of the hotel property, or any other bidder, except for a minor interaction with a prior minority owner in the debtor which is not significant in this case. There is not even a suggestion that LR has acted in collusion with the Debtor or other bidders or has in any way acted to the detriment of other potential bidders other than by making a business-like offer for the assets. The Court finds that all aspects of this proposed sale, including without limitation the negotiations undertaken by the Debtor and LR, the negotiation of the sale contract, and the activity before this Court, indicate that LR and the Debtor have acted in good faith in all regards. Because of the highly negotiated aspects of a sale such as this, it is customary for the Debtor to provide a proposed order that is in form acceptable to the winning bidder. The Debtor may include an appropriate finding of good faith in the proposed order to be submitted to the Court.

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[2] This ruling is without prejudice to KK-PB requesting a lien on the proceeds of sale as a result of any reversal or modification of the Court's estimation order on appeal, if any.

Bankruptcy Rule 6004(h) provides that an order approving a sale such as this will be stayed automatically for 14 days unless the Court orders otherwise. The Debtor requests that this automatic stay not apply to the present sale order and that the order become enforceable immediately upon entry. In light of the settlement with the Town of Palm Beach, any purchaser of the Debtor's hotel property must immediately undertake action to fulfill the requirements of the Town so as to retain certain development rights, among other things. There is significant time pressure in this regard. In addition, the Debtor has insufficient funds on hand to continue maintaining, securing, and insuring the property to be sold. In light of these facts, there is sufficient cause for the Court to waive the automatic stay of the sale order under rule 6004(h). The Court will grant the Debtor's request and the sale order will be effective immediately upon entry.

The sale proposed by the Debtor to LR U.S. Hotels Holdings LLC is approved and the remainder of the relief requested in the motion filed at ECF number 604 is granted. The Debtor may submit a proposed order approving the sale. The proposed order should include a specific statement incorporating the findings of fact and conclusions of law made on the record today.

* * *

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Final Report on the Compensation and Benefits Study Prepared by Evergreen Solutions.
TIME CERTAIN: 11:00 A.M.

Time Certain
11:00 A.M.

Presenter
Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Memorandum Dated March 15, 2019, from Danielle Olson, Director of Human Resources**
- **Firefighters Benefits Supplemental Valuation**
- **Police Officers Benefits Supplemental Valuation**
- **Final Report**
- **Staff Presentation**
- **Evergreen Solutions Presentation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Compensation and Benefits Study Report

Date: March 15, 2019

STAFF RECOMMENDATION

Staff recommends Town Council review the attached compensation and benefits report prepared by Evergreen Solutions and provide direction to assist staff in our preparation of corrective options for consideration and discussion at the April 1, 2019, Special Town Council meeting.

GENERAL INFORMATION

In November 2018, the Town began their engagement with Evergreen Solutions to conduct a Compensation and Benefits Study. A comprehensive survey was distributed to 28 market peers,. The data collected was analyzed by Evergreen Solutions and compared to current Town compensation and benefits. The final report from Evergreen Solutions and various options for consideration, along with their presentation, are enclosed for your review and direction.

In summary, the consultant has identified pay grades that allow Town positions and benefits to be aligned with the 75th percentile of the market. In addition to the realignment of pay grades to a market competitive position, various options to address concerns with market competitiveness to aid in reducing turnover and address compression have been provided. The following chart provides a summary of the options, cost per retirement group, and total estimated impact to a taxpayer of a property with a taxable value of $1 million. The details associated with the methodology for each option, including pros and cons for consideration are included in the final report.

	Option	Police	Fire	General	Cost per $M of Taxable Value (5%)
A:	Bring Employees' Salaries to New Minimums	$228,298	$10	$145,158	$21
B:	Closest Step in Revised Pay Plan	$60,277	$113,721	N/A	$30
C:	Current Range Penetration	$477,774	$364,882	$1,194,081	$131
D:	Current Range Penetration - Capped at Midpoint	$326,921	$250,204	$401,233	$73
E:	Move Toward Market (3 Tier) & Closest Step in Revised Pay Plan	$378,612	$461,220	$222,511	$78
F:	Move Toward Market (2 Tier) & Closest Step in Revised Pay Plan	$454,788	$484,572	$71,764	$75

Additionally, as requested by Town Council, estimates for amending the retirement eligibility for Police Officers and Firefighters prepared by GRS are enclosed. The proposed provisions considered in the valuation changes the normal retirement eligibly conditions, adding a service element to eligibility as follows: age 56 with at least 10 years of service or 25 years of service regardless of age; and age 56 with at least 10 years of service or 30 years of service regardless of age.

Following the presentation by Evergreen Solutions at the March 19, 2019, meeting, staff will facilitate a discussion related to specific questions for Town Council's consideration. Direction provided, resulting from that discussion, will guide staff in preparing for the April 1, 2019, special meeting. The questions for consideration will address compression, market placement of compensation, pay plan structures (merit versus step plans), pay progression, and retirement and other benefits. Details related to the information sought for discussion at the Town Council meeting are enclosed within the presentation from staff.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Department Directors

GRS Retirement Consulting

P: 954.527.1616 | F: 954.525.0083 | www.grsconsulting.com

PRIVILEGED AND CONFIDENTIAL ATTORNEY- CLIENT COMMUNICATION
INFORMATION - NOT A PUBLIC RECORD

March 14, 2019

Ms. Jane Le Clainche, CPA
Director of Finance
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

Re: Town of Palm Beach Retirement System –
Firefighters Benefits Supplemental Valuation

Dear Ms. Le Clainche:

As requested, enclosed is a supplemental actuarial valuation (study) for Firefighters of the Town of Palm Beach Retirement System.

Please call if you have any questions regarding the calculations enclosed.

Sincerely,

Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 17-06975

Jeffrey Amrose, MAAA, FCA
Enrolled Actuary No. 17-06599

PS: jc
Enclosures

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT
AS OF SEPTEMBER 30, 2018

Requested By: Jane Le Clainche, CPA, Director of Finance

Date: March 14, 2019

Submitted By: Peter N. Strong, FSA, EA, FCA, MAAA and Jeffrey Amrose, EA, MAAA, FCA
Gabriel, Roeder, Smith & Company

This report contains an actuarial study to evaluate the effects of proposed benefit scenarios for Firefighters of the Town of Palm Beach Retirement System. Peter N. Strong and Jeffrey Amrose are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

The results of the proposed benefit changes are shown below:

Summary of Results for Firefighters	Valuation	Proposed Benefit Changes Scenario 1	Proposed Benefit Changes Scenario 2
Plan B Normal Retirement Eligibility	Age 56 & 10	Age 56 & 10 or 25 & Out	Age 56 & 10 or 30 & Out
Employer Normal Cost Rate	9.20 %	10.09 %	9.36 %
Town Pension Contribution for Firefighters	92.38 %	94.07 %	92.64 %
As Illutrative $	$ 3,989,487	$ 4,062,470	$ 4,000,714
if Contributed October 1st	$ 3,854,982	$ 3,925,504	$ 3,865,830
Unfunded Actuarial Accrued Liability (UAAL)	$ 38,555,061	$ 38,926,481	$ 38,600,351
Funded Ratio	63.9 %	63.7 %	63.9 %
Change in Town Contribution for Firefighters	*N/A %*	*1.69 %*	*0.26 %*
As Illutrative $	*$ N/A*	*$ 72,983*	*$ 11,227*
if Contributed October 1st	*$ N/A*	*$ 70,522*	*$ 10,848*
Change in UAAL	*$ N/A*	*$ 371,420*	*$ 45,290*
Change in Funded Ratio	*N/A %*	*(0.2) %*	*0.0 %*

The date of the valuation was September 30, 2018 and determines the contribution rates for the fiscal year ending September 30, 2020. Supplemental valuations do **not** predict the result of future actuarial valuations. Rather, supplemental valuations give an indication of the probable annual cost of the **proposed changes only** without comment on the complete end result of future valuations.

Actuarial assumptions and methods were consistent with those in September 30, 2018 Actuarial Valuation Report, dated February 26, 2019, unless otherwise noted. Actuarial assumptions are adopted by the Retirement Board of Trustees.

Current Provisions for Firefighters under Plan B (post April 30, 2012 benefits):

- Normal Retirement eligibility condition is age 56 with at least 10 years of service.

Proposed Provisions for Firefighters under Plan B (post April 30, 2012 benefits):

- Scenario 1: Normal Retirement eligibility conditions are age 56 with at least 10 years of service or 25 years of service regardless of age.

- Scenario 2: Normal Retirement eligibility conditions are age 56 with at least 10 years of service or 30 years of service regardless of age.

Comments

Comment 1 — Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law.

Comment 2 — If you have reason to believe that the information provided in this report is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the authors of the report prior to making such decision.

Comment 3 — This report is intended to describe the financial effect of the proposed changes. This report is not intended to make a formal recommendation. This would be a separate process and involve the Board and other professionals.

Comment 4 — In the event that more than one change is being considered, it is very important to remember that the results of separate actuarial valuations cannot generally be added together to produce a correct estimate of the combined effect of all of the changes.

Comment 5 — This report is intended to describe the financial effect of the proposed changes on the Retirement System. Except as otherwise noted, potential effects on other benefit programs were not considered.

Comments (Concluded)

Comment 6 — The reader of this report should keep in mind that actuarial calculations are mathematical estimates based on current data and assumptions about future events (which may or may not materialize). Please note that actuarial calculations can and do vary from one valuation year to the next, sometimes significantly. As a result, the cost impact of a proposed change may fluctuate over time, as the dynamics and circumstances of the Retirement System change.

Comment 7 — The assumptions for retirement were adjusted for Firefighters in conjunction with the proposed benefit provisions. Normal retirement rates for this supplemental valuation are shown below:

Current Retirement Rates		Proposed Retirement Rates	
	Percent Retiring	Year of Normal	Percent Retiring
Retirement Ages	All Police Officers	Retirement Eligibility	All Police Officers
56	70%	1	70%
57	70%	2	70%
58	70%	3	70%
59	70%	4	70%
60	100%	5	100%

Comment 8 — This report complements the September 30, 2018 Actuarial Valuation Report previously delivered to the Plan Administrator and the Town and should be considered in conjunction with that report. Except as otherwise noted above, all assumptions, methods, plan provisions and data used in this report were the same as those used in the September 30, 2018 Actuarial Valuation Report. Please refer to the September 30, 2018 Actuarial Valuation report, dated February 26, 2019, for this information and all associated disclosures.

GRS Retirement Consulting

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PRIVILEGED AND CONFIDENTIAL ATTORNEY- CLIENT COMMUNICATION
INFORMATION - NOT A PUBLIC RECORD

March 14, 2019

Ms. Jane Le Clainche, CPA
Director of Finance
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

Re: Town of Palm Beach Retirement System –
Police Officers Benefits Supplemental Valuation

Dear Ms. Le Clainche:

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Please call if you have any questions regarding the calculations enclosed.

Sincerely,

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Jeffrey Amrose, MAAA, FCA
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PS: jc
Enclosures

One East Broward Boulevard | Suite 505 | Ft. Lauderdale, Florida 33301-1804

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT
AS OF SEPTEMBER 30, 2018

Requested By: Jane Le Clainche, CPA, Director of Finance

Date: March 14, 2019

Submitted By: Peter N. Strong, FSA, EA, FCA, MAAA and Jeffrey Amrose, EA, MAAA, FCA
Gabriel, Roeder, Smith & Company

This report contains an actuarial study to evaluate the effects of proposed benefit scenarios for Police Officers of the Town of Palm Beach Retirement System. Peter N. Strong and Jeffrey Amrose are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

The results of the proposed benefit changes are shown below:

Summary of Results for Police Officers	Valuation	Proposed Benefit Changes Scenario 1	Proposed Benefit Changes Scenario 2
Plan B Normal Retirement Eligibility	Age 56 & 10	Age 56 & 10 or 25 & Out	Age 56 & 10 or 30 & Out
Employer Normal Cost Rate	9.58 %	10.66 %	9.85 %
Town Pension Contribution for Police Officers	88.27 %	89.79 %	88.64 %
As Illutrative $	$ 3,312,460	$ 3,369,500	$ 3,326,345
if Contributed October 1st	$ 3,200,781	$ 3,255,898	$ 3,214,197
Unfunded Actuarial Accrued Liability (UAAL)	$ 29,299,529	$ 29,475,963	$ 29,340,216
Funded Ratio	71.1 %	71.0 %	71.1 %
Change in Town Contribution for Police Officers	*N/A %*	*1.52 %*	*0.37 %*
As Illutrative $	*$ N/A*	*$ 57,040*	*$ 13,885*
if Contributed October 1st	*$ N/A*	*$ 55,117*	*$ 13,416*
Change in UAAL	*$ N/A*	*$ 176,434*	*$ 40,687*
Change in Funded Ratio	*N/A %*	*(0.1) %*	*0.0 %*

The date of the valuation was September 30, 2018 and determines the contribution rates for the fiscal year ending September 30, 2020. Supplemental valuations do **not** predict the result of future actuarial valuations. Rather, supplemental valuations give an indication of the probable annual cost of the **proposed changes only** without comment on the complete end result of future valuations.

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Comments (Concluded)

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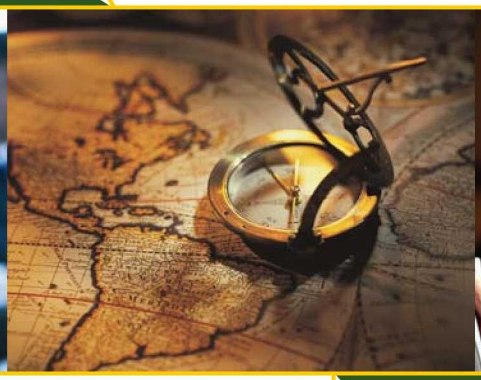
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Compensation and Benefits Study for the Town of Palm Beach, FL

REPORT


Evergreen Solutions, LLC

March 15, 2019

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Chapter 1 – Introduction

In October 2018, Evergreen Solutions, LLC (Evergreen) was retained by the Town of Palm Beach, Florida (Town) to conduct a Compensation and Benefits Study. The primary focus of the study was to review the effectiveness of the Town's current compensation and benefit plans and recommend changes to support its goal of being competitive in the surrounding labor market. Analyzing the external equity of the current plans and aligning recommendations with the Town's compensation philosophy were key.

Specifically, Evergreen was tasked with:

- holding a study kick-off meeting;
- analyzing the Town's current salary structure to determine its strengths and weaknesses;
- facilitating discussions with the Town's leadership team to understand the Town's philosophy with regard to its desired market position and other related total compensation factors;
- conducting market salary and benefits surveys to assess the external equity (market competitiveness) of the Town's current pay structure and compare and contrast common benefits offered by peer organizations;
- developing new, competitive pay plans while ensuring both internal and external equity;
- developing appropriate options for transitioning employees' salaries into the proposed new plans and calculating cost estimates for implementation;
- providing the Town with information and strategies regarding compensation and classification administration; and
- developing and submitting a report summarizing findings and recommendations; and
- presenting the results of the study findings and recommendations to the Town's Executive Staff and Town Council.

1.1 STUDY METHODOLOGY

Evergreen combined qualitative as well as quantitative data analysis to develop recommendations to improve the Town's competitiveness of its total compensation structure and practices. Study activities included:

Kickoff Meeting

The kick-off meeting allowed members of the study team from the Town and Evergreen to discuss different aspects of the study. During the meeting, information about the Town's compensation system and pay philosophy was shared and the work plan for the study was finalized. The meeting also provided an opportunity for Evergreen to explain the types of data needed to begin the study.

Assessment of Current Conditions

This analysis provided an overall assessment of the existing pay plan and related employee data at the time the study began. The pay plan, the progression of employee salaries through pay grades, and the distribution of employees in the Town were all examined during this process. The findings of this analysis are summarized in Chapter 2 of this report.

Compensation Philosophy

Evergreen conducted meetings with the Town's leadership team to develop an understanding of its position with regard to employee compensation. Several key factors; e.g., desired market position and pay plan design, were examined and provided the framework for understanding the Town's compensation philosophy. Following study findings, Evergreen's recommendations were then aligned with this philosophy.

Salary and Benefits Surveys

A comprehensive tool was developed to survey and analyze the Town's current salary ranges, benefits and other pay practices as compared to its peers. Employers in the Town's regional markets with which the Town competes for human resources were selected as peers. Classifications representing a cross-section of the departments and levels of work at the Town were selected as benchmarks for the collection of salary range data. Information regarding benefits offered or provided by the peers was also included; as well as additional related pay practices. Summaries of the data collected and comparisons are provided in Chapters 3 and 4 of this report.

Recommendations

During the discussion of the Town's compensation philosophy, leaders identified the desire to have a more competitive total compensation system of salary and benefits. Understanding this, and utilizing the results of the salary and benefits comparisons, a new compensation system was designed. Next, implementation options were developed to transition employees' salaries into the new structure (pay plans), and the associated costs of adjusting employees' salaries were estimated. Information was also provided on how to maintain the classification

and compensation system going forward. A summary of all study findings and recommendations can be found in Chapter 5 of this report.

1.2 REPORT ORGANIZATION

This report includes the following additional chapters:

- Chapter 2 – Assessment of Current Conditions
- Chapter 3 – Salary Survey Results Summary
- Chapter 4 – Benefits Survey Results Summary
- Chapter 5 – Recommendations

Chapter 2 – Assessment of Current Conditions

The purpose of this evaluation was to provide an overall assessment of the Town's compensation structure, employee salary progression, and employee counts in each department. Data included here reflect the conditions when the study began, and should be considered, as such, a snapshot in time. The insights gained from this evaluation provided the basis for further analysis through the course of this study and were not considered sufficient cause for recommendations independently. Instead, the results of this evaluation were considered during the analysis of the collected peer market data. Subsequently, appropriate related recommendations were developed for the Town and are described later in this report.

The Town administered one pay structure for full-time and part-time employees. For the purposes of these and subsequent analyses throughout the report, Evergreen delineated three groups of classifications of employees; General, (Sworn) Police, and (Certified) Fire. The following analyses are provided by these groupings.

2.1 GENERAL EMPLOYEES

Exhibit 2A illustrates the plan for employees in General classifications. The plan had an open-range design with established minimum, midpoint, and maximum salaries and 111 grades for 223 employees in General classifications. The pay grades are organized by range minimum starting with the lowest. Most pay grades within the plan had a range spread (the percentage difference between the minimum and maximum of the pay grades relative to the grade's minimum) of 61 percent, while a few range spreads equated to 64 percent.

EXHIBIT 2A
EMPLOYEE PAY PLAN
(GENERAL)

Grade	Minimum	Midpoint	Maximum	Range Spread	Employees
50550	$ 20,907	$ 27,284	$ 33,660	61%	3
50420	$ 20,909	$ 27,286	$ 33,663	61%	5
50880	$ 20,909	$ 27,286	$ 33,663	61%	12
70630	$ 23,781	$ 31,035	$ 38,288	61%	2
70560	$ 30,804	$ 40,199	$ 49,594	61%	2
50350	$ 30,815	$ 40,214	$ 49,613	61%	1
50400	$ 31,344	$ 40,904	$ 50,464	61%	7
03600	$ 31,344	$ 40,904	$ 50,464	61%	2

EXHIBIT 2A (Continued)
EMPLOYEE PAY PLAN
(GENERAL)

Grade	Minimum	Midpoint	Maximum	Range Spread	Employees
01800	$ 32,795	$ 42,798	$ 52,801	61%	4
31300	$ 32,992	$ 43,055	$ 53,118	61%	13
50490	$ 33,354	$ 43,528	$ 53,701	61%	1
43350	$ 33,765	$ 44,063	$ 54,362	61%	1
51540	$ 34,379	$ 44,865	$ 55,350	61%	18
01850	$ 34,435	$ 44,938	$ 55,441	61%	1
00960	$ 34,727	$ 45,289	$ 55,908	61%	2
02360	$ 35,507	$ 46,338	$ 57,167	61%	1
51550	$ 36,227	$ 47,277	$ 58,326	61%	3
00550	$ 36,236	$ 47,288	$ 58,340	61%	1
01510	$ 36,236	$ 47,288	$ 58,340	61%	3
08050	$ 36,236	$ 47,288	$ 58,340	61%	3
00930	$ 36,236	$ 47,288	$ 58,340	61%	2
02650	$ 37,243	$ 48,603	$ 59,962	61%	1
02700	$ 37,243	$ 48,603	$ 59,962	61%	3
51620	$ 38,338	$ 50,032	$ 61,725	61%	1
51590	$ 38,339	$ 50,032	$ 61,725	61%	1
02350	$ 38,630	$ 50,413	$ 62,195	61%	1
03800	$ 38,630	$ 50,413	$ 62,195	61%	2
44250	$ 39,000	$ 50,895	$ 62,790	61%	1
02660	$ 39,354	$ 51,358	$ 63,361	61%	1
01900	$ 40,142	$ 52,385	$ 64,629	61%	1
51610	$ 40,255	$ 52,533	$ 64,811	61%	1
41750	$ 40,524	$ 52,883	$ 65,243	61%	1
01560	$ 40,647	$ 53,044	$ 65,441	61%	2
45140	$ 41,011	$ 53,519	$ 66,028	61%	11
31620	$ 41,335	$ 53,942	$ 66,549	61%	2
02800	$ 41,346	$ 53,957	$ 66,567	61%	1
00900	$ 41,751	$ 54,486	$ 67,220	61%	1
04800	$ 41,751	$ 54,486	$ 67,220	61%	1
10151	$ 42,016	$ 54,832	$ 67,647	61%	2
00800	$ 42,361	$ 55,281	$ 68,202	61%	9
00720	$ 42,410	$ 55,345	$ 68,280	61%	1
45250	$ 42,470	$ 55,424	$ 68,377	61%	1
43250	$ 43,514	$ 56,787	$ 70,059	61%	2
51600	$ 43,514	$ 56,787	$ 70,059	61%	3

EXHIBIT 2A (Continued)
EMPLOYEE PAY PLAN
(GENERAL)

Grade	Minimum	Midpoint	Maximum	Range Spread	Employees
11750	$ 43,649	$ 56,962	$ 70,276	61%	1
04900	$ 43,839	$ 57,210	$ 70,581	61%	1
44160	$ 44,348	$ 57,875	$ 71,401	61%	2
02300	$ 44,427	$ 57,977	$ 71,527	61%	2
03000	$ 44,427	$ 57,977	$ 71,527	61%	1
03910	$ 44,427	$ 57,977	$ 71,527	61%	1
00600	$ 44,599	$ 58,200	$ 71,801	61%	2
14400	$ 44,870	$ 58,555	$ 72,241	61%	1
31400	$ 45,124	$ 58,886	$ 72,649	61%	1
02900	$ 45,433	$ 59,290	$ 73,148	61%	1
16350	$ 45,435	$ 59,291	$ 73,148	61%	1
44450	$ 47,856	$ 62,453	$ 77,049	61%	2
12200	$ 48,062	$ 62,722	$ 77,381	61%	3
11610	$ 48,612	$ 63,439	$ 78,266	61%	1
00850	$ 50,070	$ 65,341	$ 80,613	61%	3
51570	$ 50,398	$ 65,770	$ 81,141	61%	3
01910	$ 50,558	$ 65,978	$ 81,399	61%	1
13250	$ 50,558	$ 65,979	$ 81,399	61%	2
42100	$ 51,232	$ 66,858	$ 82,484	61%	2
10100	$ 51,391	$ 67,066	$ 82,740	61%	2
10750	$ 51,391	$ 67,066	$ 82,740	61%	1
20855	$ 51,452	$ 67,146	$ 82,839	61%	1
44140	$ 53,419	$ 69,712	$ 86,005	61%	1
11650	$ 53,701	$ 70,080	$ 86,459	61%	1
44445	$ 53,721	$ 70,107	$ 86,492	61%	1
43700	$ 54,830	$ 71,554	$ 88,278	61%	1
01610	$ 55,753	$ 72,757	$ 89,762	61%	1
43200	$ 56,238	$ 73,391	$ 90,544	61%	1
11901	$ 56,768	$ 74,082	$ 91,396	61%	1
15000	$ 57,581	$ 75,143	$ 92,706	61%	1
10180	$ 57,675	$ 75,267	$ 92,858	61%	2
14700	$ 57,687	$ 75,280	$ 92,873	61%	1
11800	$ 58,174	$ 75,918	$ 93,661	61%	1
10200	$ 58,636	$ 76,521	$ 94,405	61%	2
12150	$ 58,636	$ 76,521	$ 94,405	61%	1
41700	$ 59,415	$ 77,536	$ 95,658	61%	1

EXHIBIT 2A (Continued)
EMPLOYEE PAY PLAN
(GENERAL)

Grade	Minimum	Midpoint	Maximum	Range Spread	Employees
14500	$ 59,597	$ 77,775	$ 95,953	61%	1
43100	$ 59,597	$ 77,775	$ 95,953	61%	1
45180	$ 60,314	$ 78,710	$ 97,106	61%	1
47000	$ 60,621	$ 79,111	$ 97,601	61%	1
31800	$ 61,521	$ 80,286	$ 99,050	61%	1
10050	$ 61,569	$ 80,348	$ 99,127	61%	1
14550	$ 62,366	$ 81,388	$ 100,410	61%	1
03920	$ 62,369	$ 81,389	$ 100,410	61%	1
62100	$ 66,395	$ 86,647	$ 106,898	61%	1
10450	$ 66,396	$ 86,647	$ 106,898	61%	1
12100	$ 66,947	$ 87,366	$ 107,785	61%	2
10000	$ 68,249	$ 89,066	$ 109,882	61%	1
12050	$ 70,252	$ 91,713	$ 113,174	61%	1
61350	$ 70,364	$ 91,826	$ 113,287	61%	1
63310	$ 70,600	$ 92,133	$ 113,666	61%	1
14600	$ 73,372	$ 95,751	$ 118,130	61%	1
63510	$ 74,187	$ 96,815	$ 119,442	61%	1
10730	$ 75,595	$ 98,651	$ 121,708	61%	3
10800	$ 75,595	$ 98,651	$ 121,708	61%	2
61250	$ 76,269	$ 99,531	$ 122,793	61%	1
01074	$ 79,374	$ 103,584	$ 127,794	61%	1
60260	$ 81,166	$ 105,922	$ 130,677	61%	1
62000	$ 84,567	$ 111,533	$ 138,500	64%	1
63150	$ 86,427	$ 112,788	$ 139,148	61%	1
61300	$ 88,435	$ 116,615	$ 144,795	64%	1
61400	$ 88,435	$ 115,409	$ 142,382	61%	1
63100	$ 89,875	$ 117,287	$ 144,699	61%	1
63600	$ 100,752	$ 132,859	$ 164,966	64%	1
61200	$ 101,893	$ 134,361	$ 166,829	64%	1
60050	$ 106,998	$ 141,084	$ 175,170	64%	1
63000	$ 107,661	$ 141,967	$ 176,273	64%	1

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

When assessing the effectiveness of the Town's pay structure and practices, it is important to analyze where employees' salaries fell within each pay range. Identifying those areas where there may have been clusters of employees' salaries could illuminate potential pay progression concerns within the current plan. It should be noted that employees' salaries, and the progression of the same, is associated with an organization's compensation philosophy—specifically, the method of salary progression and the availability of resources. Therefore, the placement of employees' salaries should be viewed with this context in mind.

Exhibit 2B illustrates the placement of employees' salaries relative to pay grade minimums and maximums. The exhibit contains the following:

- the pay grades,
- the number of employees in classifications assigned to the pay grade,
- the number and percentage of employees with salaries below the minimum,
- the number and percentage of employees with salaries at the minimum,
- the number and percentage of employees with salaries at the maximum, and
- the number and percentage of employees with salaries above the maximum.

EXHIBIT 2B
SALARY PLACEMENT BELOW MINIMUM AND ABOVE MAXIMUM
(GENERAL)

Grade	Employees	# < Min	% < Min	# at Min	% at Min	# at Max	% at Max	# > Max	% > Max
50550	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
50420	5	0	0.0%	0	0.0%	0	0.0%	0	0.0%
50880	12	0	0.0%	0	0.0%	0	0.0%	0	0.0%
70630	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
70560	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
50350	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
50400	7	0	0.0%	2	28.6%	0	0.0%	0	0.0%
03600	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01800	4	0	0.0%	2	50.0%	0	0.0%	0	0.0%
31300	13	0	0.0%	3	23.1%	0	0.0%	0	0.0%
50490	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
43350	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
51540	18	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01850	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
00960	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02360	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
51550	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
00550	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01510	3	0	0.0%	1	33.3%	0	0.0%	0	0.0%
08050	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
00930	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02650	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02700	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
51620	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%

EXHIBIT 2B (Continued)
SALARY PLACEMENT BELOW MINIMUM AND ABOVE MAXIMUM
(GENERAL)

Grade	Employees	# < Min	% < Min	# at Min	% at Min	# at Max	% at Max	# > Max	% > Max
51590	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02350	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
03800	2	0	0.0%	1	50.0%	0	0.0%	0	0.0%
44250	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02660	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01900	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
51610	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
41750	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01560	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
45140	11	0	0.0%	1	9.1%	0	0.0%	0	0.0%
31620	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02800	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
00900	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
04800	1	0	0.0%	1	100.0%	0	0.0%	0	0.0%
10151	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
00800	9	0	0.0%	2	22.2%	0	0.0%	0	0.0%
00720	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
45250	1	0	0.0%	0	0.0%	1	100.0%	0	0.0%
43250	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
51600	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
11750	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
04900	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
44160	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02300	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
03000	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
03910	1	0	0.0%	0	0.0%	0	0.0%	1	100.0%
00600	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
14400	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
31400	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
02900	1	0	0.0%	0	0.0%	1	100.0%	0	0.0%
16350	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
44450	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
12200	3	0	0.0%	0	0.0%	1	33.3%	0	0.0%
11610	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
00850	3	0	0.0%	2	66.7%	0	0.0%	0	0.0%
51570	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01910	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
13250	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
42100	2	0	0.0%	0	0.0%	1	50.0%	0	0.0%
10100	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10750	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
20855	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
44140	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
11650	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%

EXHIBIT 2B (Continued)
SALARY PLACEMENT BELOW MINIMUM AND ABOVE MAXIMUM
(GENERAL)

Grade	Employees	# < Min	% < Min	# at Min	% at Min	# at Max	% at Max	# > Max	% > Max
44445	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
43700	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01610	1	0	0.0%	1	100.0%	0	0.0%	0	0.0%
43200	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
11901	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
15000	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10180	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
14700	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
11800	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10200	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
12150	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
41700	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
14500	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
43100	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
45180	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
47000	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
31800	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10050	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
14550	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
03920	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
62100	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10450	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
12100	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10000	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
12050	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
61350	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
63310	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
14600	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
63510	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10730	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
10800	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
61250	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
01074	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60260	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
62000	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
63150	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
61300	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
61400	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
63100	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
63600	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
61200	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60050	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
63000	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	223	0	0.0%	16	7.2%	4	1.8%	1	0.4%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

Employees with salaries at the grade minimum are typically new hires or are new to their classification following a recent promotion; on the other hand, employees with salaries at the grade maximum are typically highly experienced and proficient in their classification. As Exhibit 2B illustrates, at the time of this study, there were no General employees with a salary below their grade minimum and two employees with a salary above their grade maximum.

Exhibit 2C illustrates the placement of employees' salaries relative to pay grade midpoints. The exhibit contains the following:

- the pay grades,
- the number of employees in classifications assigned to the pay grade,
- the number and percentage of employees with salaries below the midpoint,
- the number and percentage of employees with salaries at the midpoint, and
- the number and percentage of employees with salaries above the midpoint of each pay grade.

EXHIBIT 2C
SALARY PLACEMENT ABOVE AND BELOW MIDPOINT
(GENERAL)

Grade	Employees	# < Mid	% < Mid	# at Mid	% at Mid	# > Mid	% > Mid
50550	3	2	66.7%	0	0.0%	1	33.3%
50420	5	2	40.0%	0	0.0%	3	60.0%
50880	12	11	91.7%	0	0.0%	1	8.3%
70630	2	1	50.0%	0	0.0%	1	50.0%
70560	2	2	100.0%	0	0.0%	0	0.0%
50350	1	0	0.0%	0	0.0%	1	100.0%
50400	7	5	71.4%	0	0.0%	2	28.6%
03600	2	0	0.0%	0	0.0%	2	100.0%
01800	4	3	75.0%	0	0.0%	1	25.0%
31300	13	10	76.9%	0	0.0%	3	23.1%
50490	1	1	100.0%	0	0.0%	0	0.0%
43350	1	1	100.0%	0	0.0%	0	0.0%
51540	18	6	33.3%	0	0.0%	12	66.7%
01850	1	0	0.0%	0	0.0%	1	100.0%
00960	2	0	0.0%	0	0.0%	2	100.0%
02360	1	0	0.0%	0	0.0%	1	100.0%
51550	3	1	33.3%	0	0.0%	2	66.7%
00550	1	1	100.0%	0	0.0%	0	0.0%
01510	3	3	100.0%	0	0.0%	0	0.0%
08050	3	2	66.7%	0	0.0%	1	33.3%

EXHIBIT 2C (Continued)
SALARY PLACEMENT ABOVE AND BELOW MIDPOINT
(GENERAL)

Grade	Employees	# < Mid	% < Mid	# at Mid	% at Mid	# > Mid	% > Mid
00930	2	0	0.0%	0	0.0%	2	100.0%
02650	1	0	0.0%	0	0.0%	1	100.0%
02700	3	3	100.0%	0	0.0%	0	0.0%
51620	1	0	0.0%	0	0.0%	1	100.0%
51590	1	0	0.0%	0	0.0%	1	100.0%
02350	1	0	0.0%	0	0.0%	1	100.0%
03800	2	2	100.0%	0	0.0%	0	0.0%
44250	1	0	0.0%	0	0.0%	1	100.0%
02660	1	1	100.0%	0	0.0%	0	0.0%
01900	1	0	0.0%	0	0.0%	1	100.0%
51610	1	0	0.0%	0	0.0%	1	100.0%
41750	1	0	0.0%	0	0.0%	1	100.0%
01560	2	0	0.0%	0	0.0%	2	100.0%
45140	11	6	54.5%	0	0.0%	5	45.5%
31620	2	0	0.0%	0	0.0%	2	100.0%
02800	1	1	100.0%	0	0.0%	0	0.0%
00900	1	0	0.0%	0	0.0%	1	100.0%
04800	1	1	100.0%	0	0.0%	0	0.0%
10151	2	1	50.0%	0	0.0%	1	50.0%
00800	9	7	77.8%	0	0.0%	2	22.2%
00720	1	0	0.0%	0	0.0%	1	100.0%
45250	1	0	0.0%	0	0.0%	1	100.0%
43250	2	2	100.0%	0	0.0%	0	0.0%
51600	3	1	33.3%	0	0.0%	2	66.7%
11750	1	0	0.0%	0	0.0%	1	100.0%
04900	1	1	100.0%	0	0.0%	0	0.0%
44160	2	2	100.0%	0	0.0%	0	0.0%
02300	2	0	0.0%	0	0.0%	2	100.0%
03000	1	0	0.0%	0	0.0%	1	100.0%
03910	1	0	0.0%	0	0.0%	1	100.0%
00600	2	2	100.0%	0	0.0%	0	0.0%
14400	1	0	0.0%	0	0.0%	1	100.0%
31400	1	0	0.0%	0	0.0%	1	100.0%
02900	1	0	0.0%	0	0.0%	1	100.0%
16350	1	1	100.0%	0	0.0%	0	0.0%
44450	2	2	100.0%	0	0.0%	0	0.0%

EXHIBIT 2C (Continued)
SALARY PLACEMENT ABOVE AND BELOW MIDPOINT
(GENERAL)

Grade	Employees	# < Mid	% < Mid	# at Mid	% at Mid	# > Mid	% > Mid
12200	3	2	66.7%	0	0.0%	1	33.3%
11610	1	1	100.0%	0	0.0%	0	0.0%
00850	3	2	66.7%	0	0.0%	1	33.3%
51570	3	1	33.3%	0	0.0%	2	66.7%
01910	1	1	100.0%	0	0.0%	0	0.0%
13250	2	0	0.0%	0	0.0%	2	100.0%
42100	2	1	50.0%	0	0.0%	1	50.0%
10100	2	1	50.0%	0	0.0%	1	50.0%
10750	1	1	100.0%	0	0.0%	0	0.0%
20855	1	0	0.0%	0	0.0%	1	100.0%
44140	1	0	0.0%	0	0.0%	1	100.0%
11650	1	0	0.0%	0	0.0%	1	100.0%
44445	1	0	0.0%	0	0.0%	1	100.0%
43700	1	1	100.0%	0	0.0%	0	0.0%
01610	1	1	100.0%	0	0.0%	0	0.0%
43200	1	0	0.0%	0	0.0%	1	100.0%
11901	1	1	100.0%	0	0.0%	0	0.0%
15000	1	1	100.0%	0	0.0%	0	0.0%
10180	2	0	0.0%	0	0.0%	2	100.0%
14700	1	1	100.0%	0	0.0%	0	0.0%
11800	1	1	100.0%	0	0.0%	0	0.0%
10200	2	0	0.0%	0	0.0%	2	100.0%
12150	1	0	0.0%	0	0.0%	1	100.0%
41700	1	0	0.0%	0	0.0%	1	100.0%
14500	1	0	0.0%	0	0.0%	1	100.0%
43100	1	0	0.0%	0	0.0%	1	100.0%
45180	1	1	100.0%	0	0.0%	0	0.0%
47000	1	0	0.0%	0	0.0%	1	100.0%
31800	1	0	0.0%	0	0.0%	1	100.0%
10050	1	0	0.0%	0	0.0%	1	100.0%
14550	1	1	100.0%	0	0.0%	0	0.0%
03920	1	1	100.0%	0	0.0%	0	0.0%
62100	1	0	0.0%	0	0.0%	1	100.0%
10450	1	0	0.0%	0	0.0%	1	100.0%
12100	2	0	0.0%	0	0.0%	2	100.0%
10000	1	0	0.0%	0	0.0%	1	100.0%

EXHIBIT 2C (Continued)
SALARY PLACEMENT ABOVE AND BELOW MIDPOINT
(GENERAL)

Grade	Employees	# < Mid	% < Mid	# at Mid	% at Mid	# > Mid	% > Mid
12050	1	0	0.0%	0	0.0%	1	100.0%
61350	1	0	0.0%	0	0.0%	1	100.0%
63310	1	0	0.0%	0	0.0%	1	100.0%
14600	1	0	0.0%	0	0.0%	1	100.0%
63510	1	0	0.0%	0	0.0%	1	100.0%
10730	3	1	33.3%	0	0.0%	2	66.7%
10800	2	1	50.0%	0	0.0%	1	50.0%
61250	1	1	100.0%	0	0.0%	0	0.0%
01074	1	0	0.0%	0	0.0%	1	100.0%
60260	1	1	100.0%	0	0.0%	0	0.0%
62000	1	0	0.0%	0	0.0%	1	100.0%
63150	1	0	0.0%	0	0.0%	1	100.0%
61300	1	0	0.0%	0	0.0%	1	100.0%
61400	1	0	0.0%	0	0.0%	1	100.0%
63100	1	0	0.0%	0	0.0%	1	100.0%
63600	1	0	0.0%	0	0.0%	1	100.0%
61200	1	0	0.0%	0	0.0%	1	100.0%
60050	1	0	0.0%	0	0.0%	1	100.0%
63000	1	0	0.0%	0	0.0%	1	100.0%
Total	223	107	48.0%	0	0.0%	116	52.0%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

Employees with salaries close to the midpoint of a pay range should be fully proficient in their classification and require minimal supervision to complete their job duties while performing satisfactorily. Within this framework, grade midpoint is commonly considered to be the salary an individual could reasonably expect for similar work in the market. Therefore, it is important to examine the percentage and number of employees with salaries above and below the calculated midpoint. With midpoint being defined as within a dollar amount above or below the calculated midpoint (at Mid) there were 107 General employees (48.0 percent) that had salaries below the midpoint of their respective range (< Mid), no employees had salaries at the midpoint, while 116 employees (52.0 percent) had salaries above the midpoint (> Mid).

Examining employee salary placement by grade quartile provided insight into whether clustering of employees' salaries existed within each pay grade. For this analysis, employees' salaries were slotted within one of four equal distributions. The first quartile (0-25) represents the lowest 25 percent of the pay range. The second quartile (26-50) represents the segment of the pay range above the first quartile up to the pay range's midpoint. The third quartile (51-75) represents the part of the pay range above the midpoint up to the 75th percentile of the

pay range. The fourth quartile (76-100) is the highest 25 percent of the pay range. This analytical method provided an opportunity to assess how employees' salaries are disbursed throughout each grade (pay range).

Exhibit 2D provides a breakdown of placement of employees' salaries relative to salary quartile and provides the following:

- the pay grades,
- the number of employees per pay grade, and
- the location (by quartile) of the employees' salaries within each grade.

EXHIBIT 2D
SALARY QUARTILE ANALYSIS
(GENERAL)

GRADE	Total Employees	1st Quartile # Employees	2nd Quartile # Employees	3rd Quartile # Employees	4th Quartile # Employees
50550	3	2	0	1	0
50420	5	1	1	3	0
50880	12	10	1	1	0
70630	2	0	1	1	0
70560	2	1	1	0	0
50350	1	0	0	0	1
50400	7	5	0	1	1
03600	2	0	0	2	0
01800	4	3	0	0	1
31300	13	10	0	0	3
50490	1	1	0	0	0
43350	1	1	0	0	0
51540	18	5	1	1	11
01850	1	0	0	0	1
00960	2	0	0	0	2
02360	1	0	0	0	1
51550	3	1	0	0	2
00550	1	1	0	0	0
01510	3	3	0	0	0
08050	3	2	0	0	1
00930	2	0	0	0	2
02650	1	0	0	0	1
02700	3	1	2	0	0
51620	1	0	0	0	1
51590	1	0	0	0	1
02350	1	0	0	0	1
03800	2	2	0	0	0
44250	1	0	0	0	1
02660	1	1	0	0	0
01900	1	0	0	0	1

EXHIBIT 2D (Continued)
SALARY QUARTILE ANALYSIS
(GENERAL)

GRADE	Total Employees	1st Quartile # Employees	2nd Quartile # Employees	3rd Quartile # Employees	4th Quartile # Employees
51610	1	0	0	0	1
41750	1	0	0	1	0
01560	2	0	0	0	2
45140	11	5	1	0	5
31620	2	0	0	0	2
02800	1	1	0	0	0
00900	1	0	0	0	1
04800	1	1	0	0	0
10151	2	1	0	1	0
00800	9	4	3	1	1
00720	1	0	0	0	1
45250	1	0	0	0	1
43250	2	2	0	0	0
51600	3	1	0	0	2
11750	1	0	0	0	1
04900	1	1	0	0	0
44160	2	1	1	0	0
02300	2	0	0	0	2
03000	1	0	0	0	1
03910	1	0	0	0	1
00600	2	1	1	0	0
14400	1	0	0	0	1
31400	1	0	0	0	1
02900	1	0	0	0	1
16350	1	0	1	0	0
44450	2	2	0	0	0
12200	3	2	0	0	1
11610	1	0	1	0	0
00850	3	2	0	1	0
51570	3	0	1	1	1
01910	1	1	0	0	0
13250	2	0	0	0	2
42100	2	1	0	0	1
10100	2	1	0	0	1
10750	1	1	0	0	0
20855	1	0	0	0	1
44140	1	0	0	0	1
11650	1	0	0	0	1
44445	1	0	0	0	1
43700	1	1	0	0	0

EXHIBIT 2D (Continued)
SALARY QUARTILE ANALYSIS
(GENERAL)

GRADE	Total Employees	1st Quartile # Employees	2nd Quartile # Employees	3rd Quartile # Employees	4th Quartile # Employees
01610	1	1	0	0	0
43200	1	0	0	0	1
11901	1	1	0	0	0
15000	1	1	0	0	0
10180	2	0	0	2	0
14700	1	1	0	0	0
11800	1	0	1	0	0
10200	2	0	0	0	2
12150	1	0	0	0	1
41700	1	0	0	0	1
14500	1	0	0	0	1
43100	1	0	0	0	1
45180	1	0	1	0	0
47000	1	0	0	0	1
31800	1	0	0	0	1
10050	1	0	0	0	1
14550	1	0	1	0	0
03920	1	0	1	0	0
62100	1	0	0	0	1
10450	1	0	0	0	1
12100	2	0	0	2	0
10000	1	0	0	0	1
12050	1	0	0	0	1
61350	1	0	0	0	1
63310	1	0	0	1	0
14600	1	0	0	1	0
63510	1	0	0	1	0
10730	3	0	1	0	2
10800	2	0	1	0	1
61250	1	0	1	0	0
01074	1	0	0	1	0
60260	1	1	0	0	0
62000	1	0	0	0	1
63150	1	0	0	0	1
61300	1	0	0	0	1
61400	1	0	0	1	0

EXHIBIT 2D (Continued)
SALARY QUARTILE ANALYSIS
(GENERAL)

GRADE	Total Employees	1st Quartile # Employees	2nd Quartile # Employees	3rd Quartile # Employees	4th Quartile # Employees
63100	1	0	0	0	1
63600	1	0	0	1	0
61200	1	0	0	0	1
60050	1	0	0	0	1
63000	1	0	0	0	1
Overall Total	223	84	23	25	91
Percentage		37.7%	10.3%	11.2%	40.8%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

The Town's General employees' salaries were clustered in the first and fourth quartiles of their pay ranges. In order of employee concentration, 91 employees (40.8 percent) had salaries in the fourth quartile of their respective pay ranges. The next largest cluster of employees' salaries was found in the first quartile with 84 employees (37.7 percent). Additionally, 25 employees (10.3 percent) had salaries in the third quartile of their respective pay ranges, while 23 (10.3 percent) earned in the second quartile of their respective pay ranges.

2.2 POLICE EMPLOYEES

Exhibit 2E illustrates the plan for Police employees in sworn classifications. The plan had an open-range design with an established minimum, midpoint, and maximum salaries and consisted of seven total grades for 64 employees. The pay grades were organized by range minimum starting with the lowest. Pay grades varied in range spread (the percentage difference between the minimum and maximum of the pay grades relative to the grade's minimum) from 33 percent to 75%. There was one classification included in the study, Police Trainee, that had a fixed annual salary amount rather than a salary range which consisted of three employees.

EXHIBIT 2E
EMPLOYEE PAY PLAN
(POLICE)

Grade	Minimum	Midpoint	Maximum	Range Spread	Employees
20070	$ 36,951	$ 36,951	$ 36,951	0%	3
20101	$ 53,843	$ 74,059	$ 94,274	75%	44
20201	$ 83,140	$ 96,848	$110,555	33%	10
20210	$ 84,434	$ 104,401	$124,369	47%	1
60150	$ 86,247	$ 112,552	$138,858	61%	5
60120	$ 97,703	$ 125,961	$154,219	58%	1
60102	$ 123,274	$ 157,695	$192,115	56%	0

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

Exhibit 2F illustrates the placement of employees' salaries relative to pay grade minimums and maximums. The exhibit contains the following:

- the pay grades,
- the number of employees in classifications assigned to the pay grade,
- the number and percentage of employees with salaries below the minimum,
- the number and percentage of employees with salaries at the minimum,
- the number and percentage of employees with salaries at the maximum, and
- the number and percentage of employees with salaries above the maximum.

EXHIBIT 2F
SALARY PLACEMENT BELOW MINIMUM AND ABOVE MAXIMUM
(POLICE)

Grade	Employees	# < Min	% < Min	# at Min	% at Min	# at Max	% at Max	# > Max	% > Max
20070	3	0	0.0%	3	100.0%	3	100.0%	0	0.0%
20101	44	0	0.0%	8	18.2%	0	0.0%	0	0.0%
20201	10	0	0.0%	1	10.0%	0	0.0%	0	0.0%
20210	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60150	5	0	0.0%	0	0.0%	1	20.0%	0	0.0%
60120	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60102	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	64	0	0.0%	12	18.8%	4	6.3%	0	0.0%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

Employees with salaries at the grade minimum are typically new hires or are new to their classification following a recent promotion; on the other hand, employees with salaries at the grade maximum are typically highly experienced and proficient in their classification. As Exhibit 2F illustrates, at the time of this study, there were no Police employees with a salary below their grade minimum and no employees with a salary above their grade maximum.

Exhibit 2G illustrates the placement of employees' salaries relative to pay grade midpoints. The exhibit contains the following:

- the pay grades,
- the number of employees in classifications assigned to the pay grade,
- the number and percentage of employees with salaries below the midpoint,
- the number and percentage of employees with salaries at the midpoint, and
- the number and percentage of employees with salaries above the midpoint of each pay grade.

EXHIBIT 2G
SALARY PLACEMENT ABOVE AND BELOW MIDPOINT
(POLICE)

Grade	Employees	# < Mid	% < Mid	# at Mid	% at Mid	# > Mid	% > Mid
20070	3	0	0.0%	3	100.0%	0	0.0%
20101	44	37	84.1%	0	0.0%	7	15.9%
20201	10	6	60.0%	0	0.0%	4	40.0%
20210	1	0	0.0%	0	0.0%	1	100.0%
60150	5	0	0.0%	0	0.0%	5	100.0%
60120	1	1	100.0%	0	0.0%	0	0.0%
60102	0	0	0.0%	0	0.0%	0	0.0%
Total	64	44	68.8%	3	4.7%	17	26.6%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

With midpoint being defined as within a dollar amount above or below the calculated midpoint (at Mid) there were 44 Police employees (68.8 percent) that had salaries below the midpoint of their respective range (< Mid), three employees (4.7 percent) had salaries at the midpoint, while 17 employees (26.6 percent) had salaries above the midpoint (> Mid).

Exhibit 2H provides a breakdown of placement of employees' salaries relative to salary quartile and provides the following:

- the pay grades,
- the number of employees per pay grade, and
- the location (by quartile) of the employees' salaries within each grade.

EXHIBIT 2H
SALARY QUARTILE ANALYSIS
(POLICE)

GRADE	Total Employees	1st Quartile # Employees	2nd Quartile # Employees	3rd Quartile # Employees	4th Quartile # Employees
20070	3	3	0	0	0
20101	44	34	3	0	7
20201	10	2	4	0	4
20210	1	0	0	0	1
60150	5	0	0	0	5
60120	1	0	1	0	0
60102	0	0	0	0	0
Overall Total	64	39	8	0	17
Percentage		60.9%	12.5%	0.0%	26.6%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

The Town's Police employees' salaries were clustered in the first quartile of their pay ranges. In order of employee concentration, 39 employees (60.9 percent) had salaries in the first quartile of their respective pay ranges. The next largest cluster of employees' salaries was found in the fourth quartile with 17 employees (26.6 percent). Additionally, 8 employees (12.5 percent) had salaries in the second quartile of their respective pay ranges, and there were no employees earning in the third quartile of their respective pay ranges.

2.3 FIRE EMPLOYEES

Exhibit 2I illustrates the plan for the Town's employees in certified Fire classifications. The plan had an open-range design with established minimum, midpoint, and maximum salaries. The pay plan consisted of nine total grades for 69 employees. The pay grades are organized by range minimum starting with the lowest. Pay grades varied in range spread (the percentage difference between the minimum and maximum of the pay grades relative to the grade's minimum) from 51 percent to 61%.

EXHIBIT 2I
EMPLOYEE PAY PLAN
(FIRE)

Grade	Minimum	Midpoint	Maximum	Range Spread	Employees
20400	$ 54,689	$ 68,631	$ 82,573	51%	11
20450	$ 57,841	$ 72,586	$ 87,331	51%	1
20500	$ 61,475	$ 77,147	$ 92,819	51%	18
20470	$ 66,049	$ 82,887	$ 99,725	51%	11
20730	$ 74,289	$ 94,926	$115,562	56%	21
60250	$ 84,285	$ 109,993	$135,701	61%	3
60230	$ 84,286	$ 109,993	$135,701	61%	2
60210	$ 96,871	$ 126,417	$155,964	61%	1
60200	$ 115,538	$ 150,689	$180,050	56%	1

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

Exhibit 2J illustrates the placement of employees' salaries relative to pay grade minimums and maximums. The exhibit contains the following:

- the pay grades,
- the number of employees in classifications assigned to the pay grade,
- the number and percentage of employees with salaries below the minimum,
- the number and percentage of employees with salaries at the minimum,
- the number and percentage of employees with salaries at the maximum, and
- the number and percentage of employees with salaries above the maximum.

EXHIBIT 2J
SALARY PLACEMENT BELOW MINIMUM AND ABOVE MAXIMUM
(FIRE)

Grade	Employees	# < Min	% < Min	# at Min	% at Min	# at Max	% at Max	# > Max	% > Max
20400	11	0	0.0%	6	54.5%	0	0.0%	0	0.0%
20450	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
20500	18	0	0.0%	2	11.1%	0	0.0%	0	0.0%
20470	11	0	0.0%	0	0.0%	1	9.1%	0	0.0%
20730	21	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60250	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60230	2	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60210	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
60200	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	**69**	**0**	**0.0%**	**8**	**11.6%**	**1**	**1.4%**	**0**	**0.0%**

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

Employees with salaries at the grade minimum are typically new hires or are new to their classification following a recent promotion; on the other hand, employees with salaries at the grade maximum are typically highly experienced and proficient in their classification. As **Exhibit 2J** illustrates, at the time of this study, there were no Fire employees with a salary below their grade minimum and no employees with a salary above their grade maximum.

Exhibit 2K illustrates the placement of employees' salaries relative to pay grade midpoints. The exhibit contains the following:

- the pay grades,
- the number of employees in classifications assigned to the pay grade,
- the number and percentage of employees with salaries below the midpoint,
- the number and percentage of employees with salaries at the midpoint, and
- the number and percentage of employees with salaries above the midpoint of each pay grade.

EXHIBIT 2K
SALARY PLACEMENT ABOVE AND BELOW MIDPOINT
(FIRE)

Grade	Employees	# < Mid	% < Mid	# at Mid	% at Mid	# > Mid	% > Mid
20400	11	11	100.0%	0	0.0%	0	0.0%
20450	1	1	100.0%	0	0.0%	0	0.0%
20500	18	16	88.9%	0	0.0%	2	11.1%
20470	11	6	54.5%	0	0.0%	5	45.5%
20730	21	14	66.7%	0	0.0%	7	33.3%
60250	3	0	0.0%	0	0.0%	3	100.0%
60230	2	0	0.0%	0	0.0%	2	100.0%
60210	1	0	0.0%	0	0.0%	1	100.0%
60200	1	0	0.0%	0	0.0%	1	100.0%
Total	**69**	**48**	**69.6%**	**0**	**0.0%**	**21**	**30.4%**

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

With midpoint being defined as within a dollar amount above or below the calculated midpoint (at Mid) there were 48 Fire employees (69.6 percent) that had salaries below the midpoint of their respective range (< Mid), no employees had salaries at the midpoint, while 21 employees (30.4 percent) had salaries above the midpoint (> Mid).

Exhibit 2L provides a breakdown of placement of employees' salaries relative to salary quartile and provides the following:

- the pay grades,
- the number of employees per pay grade, and
- the location (by quartile) of the employees' salaries within each grade.

EXHIBIT 2L
SALARY QUARTILE ANALYSIS
(FIRE)

GRADE	Total Employees	1st Quartile # Employees	2nd Quartile # Employees	3rd Quartile # Employees	4th Quartile # Employees
20400	11	11	0	0	0
20450	1	0	1	0	0
20500	18	14	2	1	1
20470	11	6	0	1	4
20730	21	9	5	0	7
60250	3	0	0	2	1
60230	2	0	0	0	2
60210	1	0	0	0	1
60200	1	0	0	0	1
Overall Total	69	40	8	4	17
Percentage		58.0%	11.6%	5.8%	24.6%

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

The Town's Fire employees' salaries were clustered in the first quartile of their pay ranges. In order of employee concentration, 40 employees (58.0 percent) had salaries in the first quartile of their respective pay ranges. The next largest cluster of employees' salaries was found in the fourth quartile with 17 employees (24.6 percent). Additionally, eight employees (11.6 percent) had salaries in the second quartile of their respective pay ranges, while four (5.8 percent) earned in the third quartile of their respective pay ranges.

2.4 EMPLOYEES BY DEPARTMENT AND RETIREMENT GROUP

At the time the study commenced, the Town employed 356 individuals across eight departments. Exhibit 2M depicts the number of employees and the number of classifications in each department and is intended only to provide basic information regarding how employees are distributed among departments. Also provided is the percentage breakdown of employees by department.

EXHIBIT 2M
EMPLOYEES BY DEPARTMENT

Department	Employees	Classes	% of Total
Finance Department	15	11	4.2%
Fire Rescue Department	88	17	24.7%
Human Resources Department	7	6	2.0%
Planning, Zoning & Building Department	19	15	5.3%
Police Department	97	23	27.2%
Public Works Department	76	31	21.3%
Recreation Department	39	18	11.0%
Town Managers Office	15	12	4.2%
Total	**356**	**133**	**100.0%**

Source: Created by Evergreen Solutions from data provided by the Town as of November 2018.

As the exhibit illustrates, the largest department in the Town is the Police Department, with 97 employees representing 27.2 percent of the Town's workforce. It should be noted that 27 out of 39 Recreation Department employees (69.2 percent) are part-time, as well as nine in the Fire Rescue Department (10.2 percent), and two in the Police Department (2.1 percent).

Exhibit 2M above depicts all employees within the Fire Rescue Department and Police Department (which include General employees). **Exhibit 2N** below depicts the number of employees in each retirement group (General, Police, and Fire) and clarifies that only 6 of the 23 classifications in the Police Department are sworn classifications while 10 of the 17 classifications in the Fire Department are certified classifications.

EXHIBIT 2N
EMPLOYEES BY RETIREMENT GROUP

Retirement Group	Employees	Classes	% of Total
General	223	117	62.6%
Police	64	6	18.0%
Fire	69	10	19.4%
Total	**356**	**133**	**100.0%**

2.5 SUMMARY

Overall, the Town's compensation structure offered a firm foundation on which to improve. The key points of the current structure were:

- The Town administered an open-range pay plan for 356 total employees between General, Police, and Fire classifications with 126 total pay grades. Most pay grades had range spreads of 61 percent while differences were seen with Police and Fire grades.

- The majority of the Town's employees' salaries were clustered in the first and fourth quartiles (80.9 percent).

The Town's pay plan provided employees with a clear pay structure and it appears that employees' salaries have progressed over time. The information gained from this review of current conditions was used in conjunction with the market analysis data to develop recommendations that would best align with the Town's compensation philosophy moving forward. These recommendations can be found in Chapter 4 of this report.

Chapter 3 – Salary Survey Results Summary

This chapter provides a market analysis in which the Town's salary ranges and salary practices were compared to those at peer organizations. The data from targeted market peers were used to evaluate the overall compensation at the Town at the time of this study. It is important to note that the market comparisons contained herein do not translate well at the individual employee level and are instead used to provide an overall analysis. Therefore, this is not intended to evaluate salaries paid to individuals as this compensation is determined through a combination of factors which could typically include: the demand for a job, a candidate's prior experience, or an individual's negotiation skills during the hiring process.

Furthermore, it should be noted that market comparisons are best thought of as a snapshot of current market conditions. In other words, market conditions change and, in some cases, change quickly; so, while market surveys are useful for making updates to salary structures or benefits provided to employees, they must be done at regular intervals if the Town wishes to remain current with its market peers and market salary trends.

3.1 PUBLIC SECTOR SALARY SURVEY RESULTS

Evergreen collected pay range information from target public sector organizations utilizing a salary survey tool. This included selecting benchmark classifications to be surveyed. The desired outcome of benchmarking was to select a cross-section of the Town's classifications so that those surveyed made up a subset of all work areas and job levels. The job title, a description of assigned duties, and the education and experience requirements for each benchmark classification were provided in the survey tool so that peers could determine if the position existed within their organization.

Evergreen received concurrence from the Town regarding the target peers to which the survey was provided. Several factors were utilized when developing the peer list, including geographic proximity to the Town, organization size, and the relative population being served by the organization. All collected data were adjusted for cost of living using a national cost of living index factor which allowed salary dollars from organizations outside of the immediate recruiting area to be adjusted for the cost of living relative to the Town. Exhibit 3A provides the list of market peers from which data were collected from 26 peers for 69 benchmark classifications.

EXHIBIT 3A
MARKET PEERS

Market Peers
Broward County, FL Sheriff's Office
City of Coconut Creek, FL
City of Coral Springs, FL
Town of Davie, FL
City of Ft. Lauderdale, FL
City of Hollywood, FL Police Dept
City of Plantation, FL
City of Pompano Beach, FL
City of Sunrise, FL
*City of Coral Gables, FL
City of Miami Beach, FL
Miami-Dade Couty, FL Fire Rescue
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
City of Greenacres, FL
Town of Jupiter, FL
*City of Lake Worth, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
Village of Wellington, FL
City of West Palm Beach, FL
Palm Beach County, FL
Palm Beach County, FL Fire Rescue
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

* indicates data was not collected from peer

As an outcome of this study, the Town expressed a desire, consistent with current practice, to have a salary structure competitive with the 75th percentile of the market. To determine the position of the existing structure, Evergreen compared the Town's salary ranges for the benchmark classifications to this position. The Police Trainee classification was included in the exhibits but omitted from the analysis following the exhibits since most peer

organizations did not have/utilize a range for this classification. Exhibits 3B, 3C, and 3D provide a summary of the comparisons for General, Police, and Fire classifications and contain the following:

- The market salary range information for each classification. This indicates the 75th percentile of the minimum, midpoint, and maximum of the peer survey data for each benchmarked classification.

- The percent differentials (to the Town's existing salary ranges). A positive differential indicates the Town was above the market 75th percentile for that classification at the minimum, midpoint, or maximum. A negative differential indicates the Town was below the desired market position for that classification. The final row provides the average percent differentials for the minimum, midpoint, and maximum for all surveyed classifications.

- The survey average range width (spread). This provides the average range width for each classification surveyed determined by the average minimum and average maximum salaries of the respondents, relative to the minimum. The average range width for each classification is provided in the second to last column, and the average range width for all of the classifications collectively is provided in the final row. The number of responses collected for each classification is provided in the final column and the average number of responses for all the classifications is provided in the final row.

EXHIBIT 3B
SALARY SURVEY SUMMARY – GENERAL CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum		Survey Avg Range	# Resp.
	75th %-ile	% Diff	75th %-ile	% Diff	75th %-ile	% Diff		
ACCOUNTANT	$55,889.87	-31.6%	$70,695.31	-28.5%	$86,108.77	-27.3%	54.1%	20
ACCOUNTING TECHNICIAN	$41,060.66	-12.5%	$51,700.46	-8.9%	$63,615.76	-8.7%	54.9%	19
ACTIVITY LEADER	$26,603.20	-24.0%	$36,264.30	-28.3%	$47,368.00	-33.8%	78.1%	13
ADMINISTRATIVE ASSISTANT	$43,479.90	-5.0%	$55,431.18	-2.7%	$66,559.14	0.0%	53.1%	23
BUILDING MAINTENANCE WORKER	$35,737.30	19.6%	$45,874.40	21.3%	$56,481.16	21.5%	58.0%	17
BUYER	$51,199.67	-13.8%	$65,289.76	-11.5%	$79,379.85	-10.0%	55.0%	13
CHIEF BUILDING INSPECTOR	$72,466.80	-16.3%	$93,018.87	-14.6%	$111,733.90	-12.0%	54.2%	15
CHIEF ELECTRICAL INSPECTOR	$74,619.70	-24.0%	$94,038.00	-20.5%	$113,031.84	-18.0%	51.5%	12
CHIEF PLUMBING INSPECTOR	$73,193.57	-22.1%	$94,534.79	-21.1%	$115,876.00	-20.4%	58.3%	10
CODE COMPLIANCE OFFICER I	$44,093.35	-4.8%	$56,767.62	-3.5%	$69,031.15	-2.0%	56.6%	16
COMBINATION BUILDING INSPECTOR	$60,515.50	-16.3%	$76,930.88	-13.7%	$93,302.36	-12.0%	54.2%	14
COMBINATION PLAN REVIEWER	$65,730.15	-13.1%	$84,656.42	-11.7%	$102,837.77	-10.2%	56.5%	15
CRANE OPERATOR	$41,142.57	5.6%	$54,020.70	5.0%	$66,898.83	4.6%	62.6%	6
CRIME INTELLIGENCE ANALYST	$51,907.37	-17.3%	$66,192.86	-15.0%	$80,478.35	-13.5%	55.0%	12
CRIME SCENE EVIDENCE TECH II	$48,063.17	1.1%	$62,242.50	1.9%	$74,724.00	4.6%	55.5%	13
DEPUTY TOWN MANAGER	$142,159.55	-28.2%	$184,807.04	-26.8%	$228,352.09	-26.4%	60.6%	15
DEVELOPMENT PERMIT COORDINATOR	$38,250.00	-2.7%	$50,725.50	-4.3%	$62,444.00	-4.1%	63.3%	13
DIRECTOR OF FINANCE	$120,536.00	-16.8%	$165,000.00	-20.5%	$208,403.02	-22.2%	72.9%	21
DIRECTOR OF HUMAN RESOURCES	$114,099.04	-25.3%	$151,662.50	-26.1%	$182,345.19	-23.0%	59.8%	21
DIRECTOR OF PLANNING ZONING & BUILDING	$117,132.05	-15.0%	$144,979.63	-8.7%	$176,757.08	-6.9%	50.9%	20
DIRECTOR OF PUBLIC WORKS	$115,068.35	-6.7%	$145,487.06	-2.4%	$180,274.00	-2.2%	56.7%	19
DIVISION MANAGER, FACILITIES MAINTENANCE	$74,424.64	-0.3%	$97,149.82	-0.3%	$120,129.36	-0.6%	61.4%	11
DIVISION MANAGER, SERVICES	$79,983.45	-12.5%	$108,882.68	-16.7%	$134,533.50	-16.8%	68.2%	8
DIVISION MANAGER, WATER RESOURCES	$84,249.00	-10.1%	$107,206.50	-7.6%	$134,056.00	-8.9%	59.1%	5

EXHIBIT 3B (CONTINUED)
SALARY SURVEY SUMMARY – GENERAL CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum		Survey Avg Range	# Resp.
	75th %-ile	% Diff	75th %-ile	% Diff	75th %-ile	% Diff		
EQUIPMENT OPERATOR I	$41,162.78	-18.0%	$51,451.13	-13.7%	$61,124.91	-9.9%	48.5%	10
FIRE MARSHAL	$91,350.68	-11.8%	$117,137.89	-10.1%	$144,169.71	-9.8%	57.8%	9
GIS COORDINATOR	$64,330.63	-9.3%	$80,362.75	-4.9%	$97,590.56	-3.3%	51.7%	18
GOLF COURSE ASSOCIATE	$25,910.56	-21.4%	$31,641.50	-14.8%	$39,859.00	-16.9%	53.8%	5
GOLF COURSE SUPERINTENDENT	$63,255.72	-6.3%	$80,240.60	-3.4%	$99,004.49	-3.4%	56.5%	3
GOLF MANAGER	$77,104.52	-22.5%	$97,760.29	-19.6%	$120,930.44	-19.9%	56.8%	6
HUMAN RESOURCES ANALYST	$57,231.75	-12.4%	$72,433.13	-9.3%	$87,268.57	-7.0%	52.5%	20
INDUSTRIAL ELECTRICIAN	$51,339.29	-7.0%	$63,051.57	-1.0%	$78,005.21	-1.2%	51.9%	16
INFORMATION TECHNOLOGY MANAGER	$111,408.65	-23.0%	$148,233.58	-24.9%	$176,836.30	-21.6%	58.7%	18
INFORMATION TECHNOLOGY SPECIALIST	$55,630.00	-14.6%	$69,955.50	-10.9%	$84,281.00	-8.5%	51.5%	17
LABORER	$33,157.30	-5.6%	$41,397.69	-1.2%	$49,697.17	1.5%	49.9%	12
LIFEGUARD	$35,071.18	-6.1%	$46,546.46	-7.8%	$58,077.90	-8.9%	65.6%	15
MANAGER, FLEET	$72,185.81	-17.4%	$90,638.83	-13.6%	$107,573.85	-9.7%	49.0%	16
MANAGER, PURCHASING	$94,046.88	-24.7%	$116,279.03	-19.4%	$141,346.71	-17.9%	50.3%	14
MECHANIC, FLEET	$46,178.65	-4.0%	$59,064.59	-2.0%	$71,260.83	0.2%	54.3%	15
PARKING ENFORCEMENT OFFICER	$41,101.65	-22.5%	$53,044.90	-21.4%	$63,996.77	-19.2%	55.7%	7
PLANNER	$54,030.48	-31.4%	$69,955.50	-30.7%	$84,281.00	-28.3%	56.0%	17
PLANNING ADMINISTRATOR	$77,947.00	-28.3%	$94,525.72	-21.1%	$110,900.00	-16.1%	42.3%	9
PROJECT MANAGER	$80,148.69	-5.8%	$101,020.05	-2.4%	$126,699.81	-4.0%	58.1%	15
RECREATION SUPERVISOR	$55,126.80	-28.6%	$69,936.10	-25.8%	$86,603.85	-26.2%	57.1%	16
SUPERVISOR, UTILITIES MAINTENANCE	$64,237.81	-6.3%	$79,851.46	-1.4%	$98,284.87	-1.2%	53.0%	14
SYSTEMS ADMINISTRATOR	$73,908.32	-9.9%	$94,444.86	-7.8%	$111,152.08	-3.1%	50.4%	15
TELECOMMUNICATOR	$46,648.25	-9.6%	$59,300.82	-7.0%	$72,084.95	-5.5%	54.5%	12
TELECOMMUNICATOR SUPERVISOR	$55,000.00	-9.4%	$70,356.00	-7.4%	$89,544.00	-10.5%	62.8%	13
TOWN ENGINEER	$102,943.46	-17.4%	$134,370.68	-17.5%	$167,165.68	-18.3%	62.4%	14
TRANSFER STATION OPERATOR	$44,100.72	-9.1%	$58,741.45	-11.2%	$73,560.42	-12.6%	66.8%	4
WATER RESOURCES TECHNICIAN I	$46,011.77	-11.5%	$59,832.68	-11.1%	$73,653.60	-10.9%	60.1%	7
ZONING ADMINISTRATOR	$82,076.71	-21.1%	$100,235.95	-14.5%	$118,395.19	-10.2%	44.2%	8
Overall Average		**-13.6%**		**-11.6%**		**-10.6%**	**56.6%**	**13.4**

As **Exhibit 3B** illustrates, for the General benchmarked classifications, the Town was, on average, 13.6 percent below its market position at the minimum, 11.6 percent below its desired market position at the midpoint, and 10.6 percent below its desired market position at the maximum of the respective salary ranges.

EXHIBIT 3C
SALARY SURVEY SUMMARY – POLICE CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum		Survey Avg Range	# Resp.
	75th %-ile	% Diff	75th %-ile	% Diff	75th %-ile	% Diff		
POLICE CAPTAIN	$107,750.57	-22.2%	$130,132.00	-14.5%	$157,234.02	-12.4%	45.9%	13
POLICE CHIEF	$122,521.57	-17.2%	$158,064.50	-16.1%	$196,466.11	-16.8%	60.4%	14
POLICE LIEUTENANT PROF STANDARDS	$101,751.46	-18.6%	$116,888.82	-11.3%	$134,502.49	-7.8%	32.2%	10
POLICE MAJOR	$113,205.63	-14.7%	$157,001.97	-21.9%	$177,047.82	-13.8%	56.4%	10
POLICE OFFICER	$62,481.32	-14.9%	$78,337.93	-5.6%	$93,419.53	0.9%	49.5%	14
POLICE SERGEANT	$86,357.81	-3.8%	$98,514.79	-1.7%	$111,410.25	-0.8%	29.0%	14
POLICE TRAINEE	$43,819.50	-17.0%	$53,252.98	-36.1%	$60,029.42	-47.6%	37.0%	7
Overall Average		**-15.5%**		**-11.9%**		**-8.4%**	**45.6%**	**11.7**

As **Exhibit 3C** illustrates, for the benchmarked classifications, the Town was, on average, 15.5 percent below its desired market position at the minimum, 11.9 percent below its desired market position at the midpoint, and 8.4 percent below its desired market position at the maximum of the respective salary ranges.

EXHIBIT 3D
SALARY SURVEY SUMMARY – FIRE CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum		Survey Avg Range	# Resp.
	75th %-ile	% Diff	75th %-ile	% Diff	75th %-ile	% Diff		
ASSISTANT FIRE-RESCUE CHIEF	$110,210.41	-12.9%	$138,034.39	-8.8%	$168,196.64	-7.5%	52.6%	14
BATTALION CHIEF	$91,287.98	-8.0%	$109,400.88	0.5%	$127,160.28	6.5%	39.3%	11
DIVISION CHIEF - EMS COORDINATOR	$102,148.80	-19.2%	$127,202.25	-14.5%	$138,766.09	-2.2%	35.8%	10
DIVISION CHIEF - TRNG & SAFETY	$99,787.20	-16.8%	$122,963.52	-11.1%	$136,766.11	-0.8%	37.1%	10
FIREFIGHTER DRIVER/ENGINEER EMT	$62,369.52	-7.5%	$73,710.82	-1.5%	$85,648.00	1.9%	37.3%	5
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	$64,362.69	2.6%	$77,802.10	6.3%	$89,486.73	10.8%	39.0%	7
FIREFIGHTER EMT	$53,384.51	2.4%	$64,933.30	5.5%	$79,534.57	3.7%	49.0%	8
FIREFIGHTER PARAMEDIC	$55,978.64	9.4%	$69,813.31	10.0%	$85,411.03	8.3%	52.6%	10
FIRE-RESCUE CHIEF	$122,010.13	-5.4%	$149,496.67	0.8%	$181,417.90	-0.8%	48.7%	12
LIEUTENANT PARAMEDIC	$73,420.39	1.2%	$84,573.64	11.5%	$98,914.96	15.5%	34.7%	12
Overall Average		-5.4%		-0.1%		3.6%	42.6%	9.9

As **Exhibit 3D** illustrates, for Fire classifications, the Town was, on average, 5.4 percent below its desired market position at the minimum, 0.1 percent below its desired market position at the midpoint, and 3.6 percent above market at the maximum of the respective salary ranges.

All Classifications

A starting point of the analysis was to compare the peer's market 75th percentile minimum for each classification to the Town's range minimums. Market minimums are generally considered as an entry level salary for employees who meet the minimum qualifications of a classification. Those employees with salaries at or near the range minimums typically are unlikely to have mastered the job and probably have not acquired the skills and experience necessary to be fully proficient in their classification. **Of the 69 classifications surveyed with differentials, 62 classifications (89.9 percent) had differentials below the market 75th percentile at the minimum.**

Market midpoints are important to consider because they are commonly recognized as the salary point at which employees are fully proficient in satisfactorily performing their work. As such, midpoint is often considered as the salary point at which a fully proficient employee could expect his or her salary to be placed. **Of the 69 classifications surveyed with differentials, 60 classifications (87.0 percent) had differentials below the market 75th percentile at the midpoint.**

Furthermore, the market 75th percentile of the peer salary range maximums was compared to the Town's range maximums for each benchmarked classification. The market maximum is significant as it represents the upper limit salary that an organization might provide to retain and/or reward experienced and high performing employees. Additionally, being

competitive at the maximum allows organizations to attract highly qualified individuals for in-demand classifications. **Of the 69 classifications surveyed with differentials, 56 classifications (81.2 percent) were below the market 75th percentile at the maximum.**

Hourly Comparison

In addition to analyzing salary structures competitive with the 75th percentile of the market, Evergreen compared the Town's hourly range data for Police and Fire benchmark classifications. A scheduled hours comparison was also made between the Town and its identified market. **Sworn Police employees at the Town work a schedule similar to most peers while certified Fire employees at the Town work a schedule different than most peers.**

Exhibit 3E provides a summary of the comparisons for Police classifications and contains the following:

- The market hourly range information for each classification. This indicates the market minimum, midpoint, and maximum of the peer survey data for each benchmarked classification.

- The percent differentials (to the Town's existing hourly ranges). A positive differential indicates the Town was above the market 75th percentile for that classification at the minimum, midpoint, or maximum. A negative differential indicates the Town was below the desired market position for that classification.

Exhibit 3F provides the scheduled amounts of hours worked at respondent peers for benchmarked classifications and their frequency. These schedules include a 2,080 annual-hour schedule and a 2,184 annual-hour schedule.

EXHIBIT 3E
HOURLY SURVEY SUMMARY – POLICE CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum	
	75th %-ile	% Diff	75th %-ile	% Diff	75th %-ile	% Diff
POLICE CAPTAIN	$ 51.8035	-16.9%	$ 62.5639	-12.8%	$ 75.5938	-5.5%
POLICE CHIEF	$ 58.9048	-19.9%	$ 75.9928	-15.2%	$ 94.4551	-12.9%
POLICE LIEUTENANT PROF STANDARDS	$ 48.6487	-14.1%	$ 55.8861	-3.4%	$ 64.3074	-3.6%
POLICE MAJOR	$ 54.4258	-6.9%	$ 75.4817	-12.2%	$ 85.1191	-6.5%
POLICE OFFICER	$ 29.8098	-11.8%	$ 37.3750	0.7%	$ 44.5704	5.5%
POLICE SERGEANT	$ 41.2011	-3.8%	$ 47.0012	3.4%	$ 53.1536	1.4%
POLICE TRAINEE	$ 21.0671	-24.3%	$ 25.6024	-38.7%	$ 28.8603	-53.5%
Overall Average		-13.9%		-6.6%		-3.6%

EXHIBIT 3F
ANNUAL HOURS SURVEY COMPARISON – POLICE CLASSIFICATIONS

Classification	Peer Frequency - 2080 Annual Hours	Peer Frequency - 2184 Annual Hours	Town Annual Hours Worked
POLICE CAPTAIN	11	0	2,080
POLICE CHIEF	14	0	2,080
POLICE LIEUTENANT PROF STANDARDS	8	1	2,093
POLICE MAJOR	9	0	2,080
POLICE OFFICER	11	2	2,093
POLICE SERGEANT	10	2	2,093
POLICE TRAINEE	5	0	2,080

Note: The Town's Police Lieutenant – Non-shift classification works a 2,080-hour schedule.

Using an hourly basis rather than actual salaries, exhibits 3E and 3F illustrate the Town's benchmarked positions for Police classifications were closer (than when comparing annual salary ranges) to its desired market position. Three Police classifications in the Town's assigned 2,093-hour schedule were higher than most peers, but overall were very similar to the market.

Exhibit 3G provides a summary of the comparisons for Fire classifications and contains the following:

- The market hourly range information for each classification. This indicates the market minimum, midpoint, and maximum of the peer survey data for each benchmarked classification.

- The percent differentials (to the Town's existing hourly ranges). A positive differential indicates the Town was above the market 75th percentile for that classification at the minimum, midpoint, or maximum. A negative differential indicates the Town was below the desired market position for that classification.

EXHIBIT 3G
HOURLY SURVEY SUMMARY – FIRE CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum	
	75th %-ile	% Diff	75th %-ile	% Diff	75th %-ile	% Diff
ASSISTANT FIRE-RESCUE CHIEF	$ 52.9861	-12.9%	$ 66.3631	-8.8%	$ 80.8643	-7.5%
BATTALION CHIEF	$ 38.5362	-13.2%	$ 46.1824	-4.7%	$ 53.6793	1.3%
DIVISION CHIEF - EMS COORDINATOR	$ 46.3405	-13.4%	$ 57.7062	-8.7%	$ 62.9522	3.6%
DIVISION CHIEF - TRNG & SAFETY	$ 44.6780	-9.8%	$ 55.0548	-4.0%	$ 61.2346	6.3%
FIREFIGHTER DRIVER/ENGINEER EMT	$ 25.5194	-14.5%	$ 30.1599	-8.5%	$ 35.0442	-5.0%
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	$ 26.1956	-3.9%	$ 31.6655	-0.1%	$ 36.4211	4.4%
FIREFIGHTER EMT	$ 21.7769	-4.3%	$ 26.4880	-1.1%	$ 32.4442	-2.9%
FIREFIGHTER PARAMEDIC	$ 22.9045	2.4%	$ 28.5652	3.0%	$ 34.9473	1.3%
FIRE-RESCUE CHIEF	$ 58.6589	-5.4%	$ 71.8737	0.8%	$ 87.2205	-0.8%
LIEUTENANT PARAMEDIC	$ 29.8821	-5.3%	$ 34.4215	5.1%	$ 40.2585	9.1%
Overall Average		-8.0%		-2.7%		1.0%

Exhibit 3H provides a summary of the following:

- The scheduled amounts of hours worked at respondent peers for benchmarked classifications and their frequency. These schedules include 2,080; 2,184; 2,340; 2,496; and 2,679 annual-hour schedules.

EXHIBIT 3H
ANNUAL HOURS SURVEY SUMMARY – FIRE CLASSIFICATIONS

Classification	Peer Frequency - 2080 Annual Hours	Peer Frequency - 2184 Annual Hours	Peer Frequency - 2340 Annual Hours
ASSISTANT FIRE-RESCUE CHIEF	14	0	0
BATTALION CHIEF	2	1	0
DIVISION CHIEF - EMS COORDINATOR	7	1	0
DIVISION CHIEF - TRNG & SAFETY	7	1	0
FIREFIGHTER DRIVER/ENGINEER EMT	0	1	0
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	0	1	0
FIREFIGHTER EMT	0	1	0
FIREFIGHTER PARAMEDIC	0	1	1
FIRE-RESCUE CHIEF	13	0	0
LIEUTENANT PARAMEDIC	0	1	1

EXHIBIT 3H (CONTINUED)
ANNUAL HOURS SURVEY SUMMARY – FIRE CLASSIFICATIONS

Classification	Peer Frequency - 2496 Annual Hours	Peer Frequency - 2679 Annual Hours	Town Annual Hours Worked
ASSISTANT FIRE-RESCUE CHIEF	0	0	2,080
BATTALION CHIEF	7	0	2,496
DIVISION CHIEF - EMS COORDINATOR	1	1	2,080
DIVISION CHIEF - TRNG & SAFETY	2	1	2,080
FIREFIGHTER DRIVER/ENGINEER EMT	6	0	2,620.8
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	8	0	2,620.8
FIREFIGHTER EMT	7	0	2,620.8
FIREFIGHTER PARAMEDIC	8	0	2,620.8
FIRE-RESCUE CHIEF	0	0	2,080
LIEUTENANT PARAMEDIC	11	0	2,620.8

Using an hourly basis rather than salary ranges, exhibits 3G and 3H illustrate the Town's benchmarked positions for Fire classifications were further from its desired market position. The most common annual-hour schedule for Assistant Fire-Rescue Chief, Division Chief, and Fire-Rescue Chief classifications was a 2,080-hour work schedule. The most common annual-hour schedule for all other certified Fire positions was the 2,496-hour work schedule.

3.2 PRIVATE SECTOR RESULTS

Some classifications at the Town can be found in the private sector. To supplement the public-sector data, private sector salary data for March 2019 from Economic Research Institute (ERI) were analyzed for these easily transferable positions. **Exhibit 3I** summarizes the ERI private sector salary data for the Palm Beach, FL area. While salary data from the private sector were useful in determining characteristics of the market, there are inherent differences between private and public-sector classifications which made it difficult to draw conclusions about public sector salary ranges entirely from private sector data. However, the data were considered when making the pay grade recommendations discussed in **Chapter 5** of this report.

EXHIBIT 3I
SALARY SURVEY SUMMARY – GENERAL CLASSIFICATIONS

Classification	Survey Minimum		Survey Midpoint		Survey Maximum		Survey Avg Range Width
	Average	% Diff	Average	% Diff	Average	% Diff	
ACCOUNTANT	$48,827.00	-18.3%	$68,411.50	-25.3%	$87,996.00	-29.4%	54.2%
ACCOUNTING TECHNICIAN	$41,085.00	-12.5%	$58,562.00	-21.3%	$76,039.00	-26.3%	55.4%
ADMINISTRATIVE ASSISTANT	$37,217.00	10.5%	$55,341.00	-2.5%	$73,465.00	-9.9%	53.9%
BUILDING MAINTENANCE WORKER	$35,825.00	19.4%	$48,214.50	16.3%	$60,604.00	14.5%	55.5%
BUYER	$42,799.00	4.1%	$63,483.00	-8.7%	$84,167.00	-15.9%	54.2%
CRANE OPERATOR	$39,124.00	10.6%	$54,754.00	3.6%	$70,384.00	-0.5%	62.3%
CRIME INTELLIGENCE ANALYST	$41,541.00	4.9%	$59,840.00	-4.9%	$78,139.00	-10.6%	54.5%
DIRECTOR OF FINANCE	$119,528.00	-15.9%	$143,329.50	-6.5%	$167,131.00	-0.2%	59.5%
DIRECTOR OF HUMAN RESOURCES	$87,798.00	0.7%	$121,946.00	-4.5%	$156,094.00	-7.5%	58.6%
EQUIPMENT OPERATOR I	$34,502.00	-0.4%	$47,883.00	-6.5%	$61,264.00	-10.1%	55.3%
GOLF MANAGER	$55,595.00	10.1%	$81,751.50	-1.8%	$107,908.00	-8.6%	57.8%
HUMAN RESOURCES ANALYST	$48,171.00	4.8%	$69,467.00	-5.2%	$90,763.00	-10.9%	55.3%
INDUSTRIAL ELECTRICIAN	$44,769.00	6.7%	$65,031.50	-4.0%	$85,294.00	-10.2%	56.6%
INFORMATION TECHNOLOGY MANAGER	$110,702.00	-22.4%	$139,496.00	-18.9%	$168,290.00	-16.7%	57.4%
INFORMATION TECHNOLOGY SPECIALIST	$43,375.00	10.3%	$68,533.50	-8.9%	$93,692.00	-19.1%	52.3%
MANAGER, FLEET	$57,344.00	5.6%	$86,890.00	-9.4%	$116,436.00	-17.6%	53.9%
MANAGER, PURCHASING	$65,516.00	11.3%	$99,973.00	-4.3%	$134,430.00	-12.9%	61.4%
MECHANIC, FLEET	$34,929.00	23.8%	$48,542.00	17.5%	$62,155.00	13.8%	53.6%
PLANNER	$45,963.00	-15.5%	$73,245.00	-35.1%	$100,527.00	-45.4%	55.0%
PROJECT MANAGER	$71,277.00	5.9%	$106,464.50	-7.6%	$141,652.00	-15.1%	57.8%
SYSTEMS ADMINISTRATOR	$51,607.00	25.9%	$81,524.00	6.9%	$111,441.00	-3.3%	58.5%
TELECOMMUNICATOR	$42,213.00	0.4%	$61,402.00	-10.5%	$80,591.00	-16.7%	55.6%
TELECOMMUNICATOR SUPERVISOR	$51,095.00	-2.0%	$83,125.50	-24.0%	$115,156.00	-35.3%	57.0%
Overall Average		**3.0%**		**-7.2%**		**-12.8%**	**56.3%**

3.3 OTHER COMPENSATION SURVEY RESULTS

When surveying market peer organizations, the Town wished to obtain additional pay practice related information. To supplement the salary range findings for the list of benchmark classifications, Evergreen also collected and analyzed further data regarding compensation plans and practices. Topics included in the market findings were incentive pay, allowances, overtime thresholds, pay cycles, and compensation plan design. The responses from each peer were summarized throughout the rest of this section including all additional exhibits, and were compared to similar information provided by the Town. **Note:** only specified data collected from a minimum of four peers were analyzed and included in this report.

Incentive/Certification Pay Market Data – General Classifications

Most General classifications at the Town did not receive incentive or certification pay with the exception of Inspector classifications and the Lifeguard classification. The Town provided $750 per year for each construction certification for a maximum of 6 certifications for the Chief Building Inspector, Chief Electrical Inspector, Chief Plumbing Inspector, Combination Building Inspector, and Combination Plan Reviewer classifications. The Town also provided an EMT/Paramedic Certification incentive for the Lifeguard classification. In comparison with the identified benefits respondents, the market generally also did not offer incentive or certification pay for each benchmark classification. The types or amounts within the market were not always specified. It was determined that 40 percent of respondent peers offered incentive or certification pay for the Combination Plan Review classification, 20 percent for the Telecommunicator classification, and 25 percent for the Town Engineer classification.

Car Allowance – General Classifications

Upon collecting market information with regard to which General classifications receive a car allowance from peers, it was found that the results varied significantly. Between one and four peers offered an allowance for the following positions. Classifications that the Town also offered a car allowance are *italicized*.

- Chief Building Inspector
- *Deputy Town Manager*
- *Director of Finance*
- *Director of Human Resources*
- *Director of Planning, Zoning, and Building*
- *Director of Public Works*
- Division Manager, Facilities Maintenance
- Division Manager, Water Resources
- Manager, Fleet
- Manager, Purchasing
- Recreation Supervisor

The Town did not offer a car allowance for any other classifications excluded from the list. Monetary differences between all of the classifications were not analyzed as there were not enough dollar amounts recorded from respondent peers.

Cell Phone Allowance – General Classifications

It was also determined that cell phone allowance varied significantly among all respondent peers and the Town. Between one and four peers offered a cell phone allowance for the following classifications. Classifications that the Town also offered a cell phone allowance are *italicized*.

- *Deputy Town Manager*
- *Director of Finance*
- *Director of Human Resources*
- *Director of Planning, Zoning, and Building*
- *Director of Public Works*
- *Information Technology Manager*
- Manager, Fleet
- *Recreation Supervisor*
- *Supervisor, Utilities Maintenance*

The Town offered a cell phone allowance for a total of 29 out of the 52 benchmarked classifications compared to the 9 out of 52 from the market results. Monetary differences between all of the classifications were not analyzed as there were not enough dollar amounts recorded from respondent peers.

Overtime Threshold, Pay Cycle, and Additional Allowances – Police

Exhibit 3J shows a comparison between the Town and the respondent peers with regard to the Town's non-exempt Police classifications, and the overtime thresholds and pay cycles used for the classifications. Some peers specified overtime threshold hours by weekly (in cases where 40 hours were recorded) and some specified by per pay cycle (in cases where 157.5 hours were recorded). The Town matched the highest of the peers for amount of days in a pay cycle at 28. Information was gathered from six peers for the overtime thresholds and pay cycles.

EXHIBIT 3J
OVERTIME THRESHOLD & PAY CYCLE – POLICE CLASSIFICATIONS

Classification Title	Overtime Threshold	Town of Palm Beach, FL	Pay Cycle (days)	Town of Palm Beach, FL
POLICE LIEUTENANT PROF STANDARDS	75%- None 25%- 40 hrs.		80%- 14 days 20%- 10 days	
POLICE OFFICER	40%- 40 hrs. 40%- None 20%- 157.5 hrs.	Over 167 hours	67%- 14 days 16%- 28 days 16%-10 days	28 days
POLICE SERGEANT	40%- 40 hrs. 40%- None 20%- 157.5 hrs.	Over 167 hours	67%- 14 days 16%- 10 days 16%- 28 days	28 days
POLICE TRAINEE	**		**	

*Note: ** indicates that not enough information was collected from peers for a proper comparison.*

Exhibit 3K shows a comparison between the Town and the respondent peers with regard to any additional allowances given to employees in Police classifications. All Police benchmarked classifications are shown as there were many slight differences between the Town and the average results of peers. The Town remained competitive with peers as most classifications receiving additional car, cell phone, clothing, and shoe allowances by peers also received additional allowances at the Town.

EXHIBIT 3K
ADDITIONAL ALLOWANCES – POLICE CLASSIFICATIONS

Classification Title	Additional Compensation/Benefits/Etc. - Take Home Car, Auto Allowance, Cell Phone Stipend, Etc.	Town of Palm Beach, FL
POLICE CAPTAIN	$1,200/year clothing allowance, $125/year shoe allowance; $45/month cell phone allowance; Remainder depends on assignments	Cell phone: $600/year Clothing Allowance: $1,100/year Shoe Allowance: $100/year
POLICE CHIEF	$77.50 cell phone allowance; $390 car allowance, cell phone, take home car; $1,200/year clothing allowance; $125/year shoe allowance; Remainder depends on assignments	Cell phone: $600/year Clothing Allowance: $1,100/year Shoe Allowance: $100/year
POLICE LIEUTENANT PROF STANDARDS	$250 car allowance	Cell phone: $600/year Clothing Allowance: $1,100/year Shoe Allowance: $100/year
POLICE MAJOR	$77.50 cell phone allowance; $390 car allowance; $1,200/year clothing allowance; $125/year shoe allowance; Remainder depends on assignment	Cell phone: $600/year Clothing Allowance: $1,100/year Shoe Allowance: $100/year
POLICE OFFICER	$1,200/year clothing allowance; $125/year shoe allowance; $45/month cell phone allowance; Remainder depends on assignments	Assigned Field Training Officer: $5,000/year Clothing Allowance: $1,100/year Shoe Allowance: $100/year
POLICE SERGEANT	$1,200/year clothing allowance; $125/year shoe allowance; $45/month cell phone allowance; Remainder depends on assignments	Cell phone: $300/year Assigned Field Training Officer: $3,000/year Clothing Allowance: $1,100/year Shoe Allowance: $100/year
POLICE TRAINEE	**	

*Note: ** indicates that not enough information was collected from peers for a proper comparison.*

Overtime Threshold, Pay Cycle, and Additional Allowances – Fire

Exhibit 3L shows a comparison between the Town and the respondent peers with regard to non-exempt Fire classifications, and the overtime thresholds and pay cycles used for the classifications. As mentioned previously, overtime thresholds for Fire classifications at the Town were higher than those of peer organizations due to the higher scheduled number of annual hours for Fire classifications.

EXHIBIT 3L
OVERTIME THRESHOLD & PAY CYCLE – FIRE CLASSIFICATIONS

Classification Title	Overtime Threshold	Town of Palm Beach, FL	Pay Cycle (days)	Town of Palm Beach, FL	Hours in Pay Cycle	Town of Palm Beach, FL
FIREFIGHTER DRIVER/ENGINEER EMT	25%- Yes 25%- 48 hours 25%- 159 hours in a 21-day work cycle 25%- daily hours more than 24 hour shift or 8 or 10 hour day	Over 212 hours	100%- 14	28 days	100%- 96	212 hours
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	25%- Yes 25%- 48 hours 25%- 159 hours in a 21 day work cycle 25%- daily hours more than 24 hour shift or 8 or 10 hour day	Over 212 hours	75%- 14 25%- 21	28 days	**	212 hours
FIREFIGHTER EMT	**	Over 212 hours	**	28 days	**	212 hours
FIREFIGHTER PARAMEDIC	33%- 48 hours 17%- 14 hours 17%- 159 hours in a 21 day work cycle 17%- Yes 17%- daily hours more than 24 hour shift or 8 or 10 hour day	Over 212 hours	80%- 14 20%- 21	28 days	100%- 96	212 hours
LIEUTENANT PARAMEDIC	40%- 48 hours 20%- Yes 20%- 159 hours in a 21 day work cycle 20%- daily for all hours more than 24 hour shift or regular 8 or 10 hour day	Over 212 hours	83%- 14 17%- 21	28 days	100%- 96	212 hours

*Note: ** indicates that not enough information was collected from peers for a proper comparison.*

Exhibit 3M shows a comparison between the Town and the respondent peers with regard to any additional allowances given to employees in certified Fire classifications. The Town remained competitive with peers with regard to a cell phone allowance, but did not offer a car allowance nor clothing allowance as did respondent peers.

EXHIBIT 3M
ADDITIONAL ALLOWANCES – FIRE CLASSIFICATIONS

Classification Title	Additional Compensation/Benefits/Etc. - Take Home Car, Auto Allowance, Cell Phone Stipend, Etc.	Town of Palm Beach, FL
ASSISTANT FIRE-RESCUE CHIEF	$540/year cell phone allowance; $390 car allowance; Take home vehicle; $600/year clothing allowance	Cell phone: $600/year
BATTALION CHIEF	$250 car allowance; $250 for clothing allowance	
DIVISION CHIEF - EMS COORDINATOR	Take home vehicle; $540/year cell phone allowance; $600/year clothing allowance	Cell phone: $600/year
DIVISION CHIEF - TRNG & SAFETY	$540/year cell phone allowance; $600/year clothing allowance	Cell phone: $600/year
FIREFIGHTER DRIVER/ENGINEER EMT	$250 for clothing allowance	
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	$250 for clothing allowance	
FIREFIGHTER EMT	$250 for clothing allowance	
FIREFIGHTER PARAMEDIC	$250 for clothing allowance	
FIRE-RESCUE CHIEF	$540/year cell phone allowance; $390 car allowance; Take home vehicle; $600/year clothing allowance	Cell phone: $600/year
LIEUTENANT PARAMEDIC	$250 for clothing allowance	

Compensation Related and Other Comparisons

Exhibit 3N shows a comparison between the Town and the respondent peers with regard to General, Police, and Fire classifications. The exhibit shows types of compensation plans, methods in which salaries are increased, turnover rates, average tenure, frequencies of market analyses and job description updates, and pay practices as employees' salaries reach their range maximums.

EXHIBIT 3N
COMPENSATION RELATED

Compensation Related	Employee Type	Percentage of Peers	Town of Palm Beach, FL
Identify union groups per employee job family listed:	General Employees	27.3% - SEIU	N/A
	Police Certified Employees	54.5% - PBA 27.3% - FOP 9.1% - IUPA	N/A
	Fire Certified Employees	72.7% - IAFF	IAFF
Describe the pay plan types in your organization (Open Range or Step Plan).	General Employees	72.7% - Open Range 27.3% - Step Plan	Open Range
	Police Certified Employees	66.7% - Step Plan 34.4% - Open Range	Open Range
	Fire Certified Employees	75% - Step Plan 25% - Open Range	Open Range
How are salaries adjusted? (step, merit or performance, COLA, etc.)	General Employees	36.4% - Step & COLA 18.2% - COLA 18.2% - Performance/ Merit 18.2% - Performance/ Merit & COLA 9.1% - Step & Performance/ Merit	Merit
	Police Certified Employees	30% - Step 30% - Performance/ Merit & COLA 10% - Step & COLA 10% - Step & Performance/ Merit 10% - Performance/ Merit 10% - COLA	Merit
	Fire Certified Employees	28.6% - Step 28.6% - Performance/ Merit & COLA 14.3% - Step & COLA 14.3% - COLA 14.3% - Step & Performance/ Merit	Merit

EXHIBIT 3N (CONTINUED)
COMPENSATION RELATED

Compensation Related	Employee Type	Percentage of Peers	Town of Palm Beach, FL
What is the range of an annual pay increase an employee can earn? (pending annual budget approval)	General Employees	Range: 0 - 6.0%	3.0 - 7.5%
	Police Certified Employees	Range: 0 - 6.0%	3.0 - 7.5%
	Fire Certified Employees	Range: 0 - 6.0%	3.0 - 7.5%
Current Average Tenure	General Employees	10.38 years	10 years
	Police Certified Employees	**	7.8 years
	Fire Certified Employees	**	8.8 years
How often do you conduct a market analysis of pay ranges?	General Employees	50% - 2-5 years 30% - Annually 20% - As Needed	As necessary, upon recruitment, and supervisor review during annual review process
	Police Certified Employees	60% - 3-5 years 20% - As needed 20% - Annually	As necessary, upon recruitment, and supervisor review during annual review process
	Fire Certified Employees	**	As necessary, upon recruitment, and supervisor review during annual review process
Does your organization hire into the pay range for new employees, or strictly at pay range minimum? If new hires can be paid above the minimum of the pay grade, what is the maximum percentage above minimum your policy allows?	General Employees	50% - Minimum 40% - Pay Range 10% - Both	Minimum, to 10% upon Director of Human Resources approval, and/or up to midpoint upon Town Manager approval
	Police Certified Employees	100% - Minimum	Minimum, 1% above the minimum/year of experience for up to 5 years
	Fire Certified Employees	**	Minimum

*Note: ** indicates that not enough information was collected from peers for a proper comparison.*

EXHIBIT 3N (CONTINUED)
COMPENSATION RELATED

Compensation Related	Employee Type	Percentage of Peers	Town of Palm Beach, FL
How frequently are your job descriptions updated?	General Employees	90% - As Needed 10% - Every 4 years	As necessary and upon recruitment
	Police Certified Employees	90% - As Needed 10% - Every 4 years	As necessary and upon recruitment
	Fire Certified Employees	100% - As Needed	As necessary and upon recruitment
Do you provide a COLA? If so, how is this applied? Do you adjust the pay range by the COLA and/or only increase base salary?	General Employees	75% - Yes 25% - No	No
	Police Certified Employees	**	No
	Fire Certified Employees	**	No
Do you have a step plan? If so, what is the % difference between each step?	General Employees	**	No
	Police Certified Employees	If yes, 4.1%	No
	Fire Certified Employees	If yes, 4.0%	No
Do you provide a merit increase?	General Employees	100% - Yes	Yes, according to performance evaluation score and pay for performance chart, ranging from 3.0% to 7.5%
	Police Certified Employees	71.4% - Yes 28.6% - No	Yes, according to performance evaluation score and pay for performance chart, ranging from 3.0% to 7.5%
	Fire Certified Employees	71.4% - Yes 28.6% - No	Yes, according to performance evaluation score and pay for performance chart, ranging from 3.0% to 7.5%
What is your policy/practice when an employee's pay reaches the maximum of a pay range? Are any lump sum payments for pay increases that exceed the pay range maximum provided? Please explain.	General Employees	90% - Lump Sum 10% - No Inc. above max	When employees reach the maximum of the range, their pay only increases if there is an increase to the range.
	Police Certified Employees	71.4% - Lump Sum 28.6% - No Inc. above max	When employees reach the maximum of the range, their pay only increases if there is an increase to the range.
	Fire Certified Employees	83.3% - Lump Sum 16.7% - No Inc. above max	When employees reach the maximum of the range, their pay only increases if there is an increase to the range.

*Note: ** indicates that not enough information was collected from peers for a proper comparison.*

As Exhibit 3N illustrates, a majority of peers utilized open range pay plans for General employees while utilizing step-based plans for Police and Fire employees, differing from the Town's current open-range pay plans for all employees. It was not specifically observed that the Town's methods for adjusting salaries could be improved as the peers' methods for such varied considerably. The range of annual pay increases was found to be higher at the Town with the ability of potentially receiving a 7.5 percent increase. However, this difference should be considered with caution as the ability for an employee to achieve a 7.5 percent increase may vary from the average actual percent awarded to most employees. It can also be observed from the survey results that cost of living adjustments were provided at 75 percent of the peers for General employees, differing from the Town.

Longevity, Bonus, and Incentive Pay

Exhibit 3O illustrates the comparison of longevity pay, and special or merit bonuses provided by the peers, and the Town. The Town matched the market with special bonuses, split the market with longevity pay, and contrasted the market with merit bonuses given. The Town, as with the peers, provided longevity pay only for "grandfathered" employees in such programs.

EXHIBIT 3O
LONGEVITY PAY AND BONUSES

What types of longevity pay, bonuses or other service and/or performance based incentive pay programs are utilized by your organization?	Peer Average	Town of Palm Beach, FL
Longevity Pay	54.55% - Yes 45.45% - No	Yes
Special Bonus	100% - No	No
Merit Bonus	37.5% - Yes 62.5% - No	Yes

Exhibit 3P illustrates the comparison of incentive pay with special regard to Police employees and the type of certifications earned by employees. In each case of Intermediate, Advanced, Supervisory, and Management Certification earned, the Town differed from a majority of peers by not providing any pertaining incentive pay. The Town also lagged the market average by not providing incentive pay for Instructor, Firearms, CVSA, or Detective certifications.

EXHIBIT 3P
INCENTIVE PAY - POLICE

Does your organization provide any incentive pay for the Police training and/or certifications listed below:		Peer Average	Town of Palm Beach, FL
Intermediate Certification		20% - Yes 80% - No	No
Advanced Certification		50% - Yes 50% - No	No
Supervisory Certification		20% - Yes 80% - No	No
Management Certification		20% - Yes 80% - No	No
Field Training Officer (FTO) Certification	Provided	83.3% - Yes 16.7% - No	Yes
	Incentive is reimbursed by the state (Yes/No)	20% - Yes 80% - No	No
	Annual Value of the Incentive	40% - $2,400 20% - $1,440 20% - 3% 20% - 5%	$5,000 Police Officer $3,000 Police Sergeant
Instructor Certification		40% - Yes 60% - No	No
Firearms Instructor		33.3% - Yes 66.7% - No	No
PT Instructor		100% - No	No
CVSA (Comp. Voice Stress Analyzer) Certification		16.7% - Yes 83.3% - No	No
Detective		66.7% - Yes 33.3% - No	No

Exhibit 3Q illustrates the comparison of incentive pay with special regard to Fire employees and the type of certifications earned by employees. In each case of Education, Field Training Officer, Public Information Officer, Self-Contained Breathing Apparatus Maintenance, and Station Commander Incentives, the Town was found to be ahead of the market average by providing incentive pay for each aforementioned category.

EXHIBIT 3Q
INCENTIVE PAY - FIRE

Does your organization provide any incentive pay for Firefighter, EMT, Paramedic and/or other certifications? List below:		Peer Average	Town of Palm Beach, FL
Education Incentive	Provided	85.7% - Yes 14.3% - No	Yes
	Incentive is reimbursed by the state (Yes/No)	66.7% - Yes 33.3% - No	Yes
	Annual Value of the Incentive	40% - $600-$1,320 20% - $960 20% - $150 20% - 2.5%	$600 - $1,320
Field Training Officer/Incentive	Provided	40% - Yes 60% - No	Yes
	Annual Value of the Incentive	3.5% salary while in position	Yes
Public Information Officer (PIO)	Provided	100% - No	Yes
Self Contained Breathing Apparatus Maintenance (SCBA)	Provided	20% - Yes 80% - No	Yes
Station Commander	Provided	20% - Yes 80% - No	Yes

3.4 COMPENSATION SUMMARY

From the analysis of the data gathered in the external market assessment discussed above, the benchmark classifications' salary ranges were primarily found to be below the Town's desired market position (75th percentile). Placing classification categories in order, Police, General, and Fire classifications lagged the market by 11.9 percent, 11.6 percent, and 0.1 percent at the market point (midpoint), respectively. Other compensation factors such as incentive pay and allowances were also found to lag the overall market. The review of the data indicated the Town would benefit from implementing new competitive pay plans (salary ranges) structured more similarly to its peers. This recommendation, as well as others related to the study, can be found in Chapter 5 of this report.

Chapter 4 – Benefits Survey Results Summary

Evergreen conducted a benefits survey of market peers in order to compare the Town's current benefit plans against those of its peers. The information provided within this chapter reflects the current benefits at the Town and at each peer organization, which are subject to change. Additionally, it should be noted that benefit plans have a number of intricacies that are not represented in this chapter and cannot be directly compared between organizations. It should also be noted that benefits are usually negotiated and acquired through third parties, so one-to-one comparisons can be difficult.

4.1 BENEFITS SURVEY RESULTS

In December 2018, Evergreen developed a survey instrument to collect benefits data from the Town's peers. The survey questions were designed to elicit information about specific benefits currently offered by the Town as well as common benefits that the Town may decide to offer in the future. The type of information requested included whether the particular benefit was offered by the peer for each studied employee group (General, Police, Fire) as well as the monetary value of the benefit if it was provided/offered.

The methodology and selection of peers utilized for collecting data for the salary survey, described in Chapter 3, was used for selecting peers for the benefits survey. The same 25 peers were contacted for both surveys.

Exhibit 4A denotes the 14 market peers from which benefits data were collected. These peers either completed the benefits survey or gave some feedback for the questions asked. Other peers mentioned in Chapter 3 that are not listed in this chapter elected not to complete the survey; however, Evergreen utilized descriptions of the peers benefits if provided by the organization or posted on the organization's website.

EXHIBIT 4A
SURVEY RESPONDENTS

Respondents
Broward County, FL Sheriff's Office
City of Ft. Lauderdale, FL
City of Pompano Beach, FL
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
Town of Jupiter, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
City of West Palm Beach, FL
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

Exhibit 4B provides an overview of the number and types of health insurance plans offered by peer organizations and the Town. The Town currently offers three plans, which are a Preferred Provider Organization (PPO) plan, a Point of Service (POS) plan, and a Health Maintenance Organization (HMO) plan. The Town offers a similar number of health plans to the peer average, with an HMO plan being the most commonly offered type of plan at the respondent organizations. **NOTE:** Town employees must participate in the Health and Wellness Program or otherwise pay an increase of 12 percent to their premium for either plan.

EXHIBIT 4B
HEALTH INSURANCE SUMMARY

Health Plan Premiums Cost Sharing		Peer HMO Average	Town of Palm Beach, FL	Peer PPO Average	Town of Palm Beach, FL
Percentage of peers offering each plan		45.5%	HMO	36.4%	PPO
What is the cost sharing percentage of SINGLE Employee Health coverage between the Employee and Employer?	Employee Single Coverage %	10.0%	0%	37.6%	19.9%
	Employer Single Coverage %	90.0%	100.0%	67.4%	80.1%
What is the cost sharing percentage of FAMILY health coverage between the Employee and Employer?	Employee Family Coverage %	16.2%	19.8%	22.3%	35.7%
	Employer Family Coverage %	82.9%	80.2%	77.7%	64.3%

Note: "EE" is an abbreviation for Eligible Employee.

EXHIBIT 4B (CONTINUED)
HEALTH INSURANCE SUMMARY

Health Plan Premiums Cost Sharing		Peer HSA Average	Peer HDHP Average	Peer FSA Average	Other Plans Offered	Town of Palm Beach, FL
Percentage of peers offering each plan		27.3%	27.3%	18.2%	CIGNA CDHP	POS
What is the cost sharing percentage of SINGLE Employee Health coverage between the Employee and Employer?	Employee Single Coverage %	8.4%	8.3%	100%	4.6%	4.9%
	Employer Single Coverage %	91.6%	91.7%	0.0%	95.4%	95.1%
What is the cost sharing percentage of FAMILY health coverage between the Employee and Employer?	Employee Family Coverage %	10.8%	34.5%	100%	12.2%	23.3%
	Employer Family Coverage %	89.2%	65.5%	0.0%	87.8%	76.7%

Note: "EE" is an abbreviation for Eligible Employee.

Exhibit 4C provides an overview of the number and types of dental insurance plans offered by peer organizations and the Town. The Town currently offers a Dental Preferred Provider Organization (DPPO) plan. A different plan offered by approximately 73 percent of the peers was a Dental Health Maintenance Organization (DHMO) plan.

EXHIBIT 4C
DENTAL PLANS

Dental Plans		Peer DHMO Average	Peer DPPO Average	Town of Palm Beach, FL
What type of Dental Coverage do you provide?		72.7%	100%	DPPO
What is the cost sharing percentage of SINGLE Employee Dental coverage between the Employee and Employer?	Employee Single Coverage %	32.4%	42.2%	0%
	Employer Single Coverage %	67.6%	57.8%	100.0%
What is the cost sharing percentage of FAMILY Dental coverage between the Employee and Employer?	Employee Family Coverage %	54.8%	61.5%	59.0%
	Employer Family Coverage %	44.5%	39.1%	41.0%

As illustrated in **Exhibit 4C**, the peer average for the DPPO plan matched the Town's coverage at 100 percent, while a majority of respondent peers provide a DHMO plan. The Town provides 100 percent of employer single dental coverage while the peer average was just over 42 percent. Among those that provided Dental Coverage, peers averaged between 57.8 percent and 67.6 percent for employer single coverage, whereas the Town provided a full 100 percent employer single coverage. The Town aligned closer to peers with the amounts provided for employer family coverage.

Exhibit 4D shows information about the peers' and the Town's retirement plan offerings. The Town's age for retirement eligibility was equal to the average of the peers for General employees but was slightly higher for both Police and Fire employees. Unlike the peer responses, the Town did not provide a cost of living adjustment (COLA) during retirement. The employee contribution was found to be slightly less at the Town for General employees but significantly higher for Police and Fire employees. Optional retirement programs for both peers and the Town included a 457 Plan and a Roth IRA. One peer offered a maximum of $720 yearly for contribution to the retirement plans while most peers, and the Town, did not.

EXHIBIT 4D
RETIREMENT/PENSION

Defined Benefit (Pension) Retirement Plan for Current Employees	Employee Type	Peer Average	Town of Palm Beach, FL
What is the age for retirement eligibility?	General	62 years old	62 years old
	Police Certified Employees	54 years old	56 years old
	Fire Certified Employees	54 years old	56 years old
What is the multiplier?	General	2.14	1.7
	Police Certified Employees	2.97	2.75
	Fire Certified Employees	2.98	2.75
What is the vesting period?	General	8 years	10 years
	Police Certified Employees	9 years	10 years
	Fire Certified Employees	10 years	10 years
Is a COLA provided during retirement, if so how?	General	42.9% - Yes	No
	Police Certified Employees	42.9% - Yes	No
	Fire Certified Employees	83.3% - Yes	No
What is the employee contribution?	General	4.51%	3.50%
	Police Certified Employees	6.84%	Between 8% to 12% Currently 10.19%
	Fire Certified Employees	5.24%	Between 8% to 12% Currently 10.15%
Do you offer a deferred retirement option program (DROP)?	General	80% - Yes	Yes
	Police Certified Employees	81.8% - Yes	Yes
	Fire Certified Employees	80% - Yes	Yes

Additional Retirement/Pension Data

In addition to the questions asked in **Exhibit 4D**, Evergreen collected data on special retirement eligibility provisions and optional retirement programs. The following questions were asked and the peer responses are summarized below:

- **Are there any special retirement eligibility provisions other than age and vesting, such as "30 and out" or "Rule of 65" (Age and Service Combined)? If so, describe.**
    - General Employees
        - Out of seven peer responses, four simply expressed that they utilized no such provisions, matching the Town's data on the same question.
        - One peer specified that in their case, the early retirement date is the first day of the month following the earlier of age 55 with ten years of credited service or age 52 with 25 years of credited service. Employees may retire at any time following this date with reduced benefits. If an employee decides to retire early, he/she may receive an immediate early retirement benefit payable for the rest of his/her life. The benefit is equal to the accrued benefit but reduced for the number of months by which the starting date of the benefit precedes the date when the employee would have reached normal retirement if he/she had continued in full-time employment.
        - A separate peer specified utilizing the 457 plan which offers two "catch-up" provisions which allow the employee to contribute over and above the normal annual contribution amount. In the first provision, the normal or "pre-retirement" catch-up provision allows the employee to make additional contributions to make up for years in which he/she did not contribute the maximum that he/she was previously eligible to contribute under the current employer's 457 plan. The second provision, or the "Age 50" provision, allowed employees to contribute an additional annual amount when he/she reaches the age of 50 or older.
        - Another peer reported that they use 30 or 33 years of service, based on whether the employee started before or after the date of July, 1, 2011. If an employee started before that date, 30 years is used. If an employee started on or after that date, 33 years is used.
    - Police Employees
        - Out of six peer responses, one peer simply expressed that they did not utilize these provisions, also matching the Town's data on the same question.
        - Two of the six peers reported they use a "25 and out" provision.
        - One peer reported a provision for early retirement at the age of 50 with benefit reduced 3 percent per year.

- The same peer mentioned for providing two "catch-up" provisions to General employees provide these provisions to Police employees as well.
- Another peer reported that if the employee becomes permanently disabled in the line of duty, the employee may be eligible for a disability benefit. Disability eligibility determinations are made by the Board of Trustees. The employee would be eligible for a benefit regardless of his/her length of service. If the disability was incurred outside of the line of duty, the employee would still be eligible for a benefit if he/she has at least 10 years of credited service.

  - Fire Employees
    - Out of five peer responses, two reported they use a "25 and out" provision, again matching the Town's data for the same question.
    - The same peer mentioned for providing two "catch-up" provisions for General employees provide these provisions to Fire employees as well.
    - The same peer mentioned for providing an early retirement at the age of 50 with benefit reduced 3 percent per year for Police employees also provides this provision for Fire employees.
    - One peer specified that if an employee decides to retire early, the employee may receive an immediate early retirement benefit payable for the rest of his/her life. The benefit would be equal to the accrued benefit but reduced for the number of months by which the starting date of the benefit precedes the date when the employee would have reached normal retirement had he/she continued in full-time employment. The benefit would be reduced to take into account the younger age and earlier commencement of benefit payments.

- Do you offer any optional retirement programs (457, Roth IRA, or other)? If so, what amount does the employer contribute to the plan(s)?
  - All Employees
    - Data was collected from eight peer respondents. Of those responses, five reported offering only a 457 plan, while three peers reported offered both a 457 plan and a Roth IRA plan. In comparison, the Town offers an ICMA 457 plan and an ICMA Roth IRA. The Town also consistent with seven of the eight respondent peers by not contributing to the plan(s). One peer reported providing a maximum of $720 yearly for their plan.

Exhibit 4E shows information about the peers' and the Town's Defined Contribution (DC) retirement plans for current employees. General, Police, and Fire employees are all shown in the exhibit. It can be observed that a 401 plan was the most popular type of DC plan provided by peers for General employees. There were multiple peers offering more than one plan which justifies a total percentage over 100 percent for General employees. Similar to peers, the Town offers a 401a Defined Contribution retirement plan for current General employees. The Town also matched the market by utilizing a 3.0 percent minimum employee contribution to the plan while lagging the market for the employer contribution. However, the Town specified that there is an additional voluntary eligible employee contribution up to 2.0 percent with matching employer contribution up to 2.0 percent.

EXHIBIT 4E
DEFINED CONTRIBUTION RETIREMENT PLAN

Defined Contribution (DC) Retirement Plan for Current Employees	General Employees	Town of Palm Beach, FL	Police Certified Employees	Town of Palm Beach, FL	Fire Certified Employees	Town of Palm Beach, FL
What type of defined contribution (DC) plan is provided by the employer - 401(a) etc.?	50% - 401 25% - 457 25% - FRS 12.5% - Roth 12.5% - ICMA	401a	**	N/A	**	N/A
What is the vesting period?	5 years	10 years	10 years	N/A	10 years	N/A
What is the minimum Employee contribution?	3.0%	3.0%	**	N/A	**	N/A
What is the Employer contribution? (include any matching provisions)	6.6%	3.0% Additional voluntary employee contribution up to 2.0% with matching employer up to 2.0%	**	N/A	**	N/A

Exhibit 4F shows the accrual hours for sick leave in peer organizations for General, Police, and Fire employees. Annual hours accrued for sick leave between the peer average and the Town were the same for General and Police employees, but the Town was found to be behind the peer average for Fire employees. However, the Town offered a maximum amount of accrued sick leave hours that was well above the average of the peers who used maximums. The Town's policy was to let new hires begin to use their accrued benefits after six months, which matched less than half of peers for General, Police, and Fire employees.

EXHIBIT 4F
SICK LEAVE

Paid Time Off and Leave Policies Sick Leave		Peer Average	Town of Palm Beach, FL
Hours Accrued (Annually). Include any changes to this benefit based on service provisions.	General Employees	96 Hours	96 Hours
	Police Certified Employees	96 Hours	96 Hours
	Fire Certified Employees	107.5 Hours	96 Hours
Maximum Hours Accrued (Annually). Include any changes to this benefit based on service provisions.	General Employees	716 Hours 22%- No max	1040 Hours
	Police Certified Employees	683.2 Hours 29%- No max	1040 Hours
	Fire Certified Employees	835.6 Hours 16%- No max	1040 Hours
When can new hires begin to use accrued benefits?	General Employees	Immediately- 71.45% 6 Months- 28.57%	After 6 months
	Police Certified Employees	Immediately- 57.14% 6 Months- 42.86%	After 6 months
	Fire Certified Employees	Immediately- 60% 6 Months- 40%	After 6 months

Exhibit 4G shows the accrual hours for vacation leave in peer organizations for General, Police, and Fire employees. The Town was found to be lagging the identified market with regard to General employees' accrued hours, but was significantly higher for Police and Fire employees. The Town lagged the identified market in all three employee groups when comparing the maximum hours accrued. The Town's accrual amounts did not change between the annual amount and the maximum, signifying that there is currently no rollover of hours. The Town also matched approximately half of the respondent peers by allowing new hires to begin using their accrued benefits after six months. Note: The Town provided Police and Fire employees higher maximum accrued hours in lieu of providing paid holidays.

EXHIBIT 4G
VACATION LEAVE

Paid Time Off and Leave Policies Vacation Leave		Peer Average	Town of Palm Beach, FL
Hours Accrued (Annually), include any changes to this benefit based on service provisions.	General Employees	0-4 years- 114 hrs. 5-9 years- 146 hrs. 10-14 years- 173 hrs. 15+ years- 187 hrs.	0-4 years: 80 hrs/yr 5-9 years: 120 hrs/yr 10-14 years: 136 hrs/yr 15+ years: 160 hrs/yr
	Police Certified Employees	0-4 years- 111 hrs. 5-9 years- 142 hrs. 10-14 years- 169 hrs. 15+ years- 180 hrs.	0-4 years: 176 hrs/yr 5-9 years: 216 hrs/yr 10-14 years: 232 hrs/yr 15+ years: 256 hrs/yr
	Fire Certified Employees	0-4 years- 109 hrs. 5-9 years- 130 hrs. 10-14 years- 153 hrs. 15+ years- 162 hrs.	0-4 years: 256 hrs/yr 5-9 years: 280 hrs/yr 10-14 years: 304 hrs/yr 15+ years: 352 hrs/yr
Maximum Hours Accrued (Annually), include any changes to this benefit based on service provisions.	General Employees	308 hrs.	0-4 years: 80 hrs 5-9 years: 120 hrs 10-14 years: 136 hrs 15+ years: 160 hrs
	Police Certified Employees	333 hrs.	0-4 years: 176 hrs 5-9 years: 216 hrs 10-14 years: 232 hrs 15+ years: 256 hrs
	Fire Certified Employees	364 hrs.	0-4 years: 256 hrs 5-9 years: 280 hrs 10-14 years: 304 hrs 15+ years: 352 hrs
Payout provisions of accrued leave upon separation of employment and/or retirement?	General Employees	100% paid accrued balance	Payout of all accrued vacation leave upon separation/retirement.
	Police Certified Employees	100% paid accrued balance	Payout of all accrued vacation leave upon separation/retirement.
	Fire Certified Employees	100% paid accrued balance	Payout of all accrued vacation leave upon separation/retirement.
When can new hires begin to use accrued benefits?	General Employees	57.1% - 6 months 14.3% - One year 14.3% - 90 days 14.3% - Immediately	After 6 months
	Police Certified Employees	50% - 6 months 25% - One year 25% - Immediately	After 6 months
	Fire Certified Employees	42.9% - 6 months 28.6% - One year 28.6% - Immediately	After 6 months

Exhibit 4H shows the paid holidays observed by peer organizations and the Town. Again, the responses from peers distinguish between General, Police, and Fire employees. There were no holidays that were unanimously observed by peers that were not observed by the Town also. The Town observes New Year's Eve and a Floating Holiday while a majority of peers did not, placing the Town in a leading position compared to the market average. The largest lagging position for the Town was found to be in relation to Columbus Day, where 27.3% of peers observe the holiday in contrast with the Town. **NOTE:** The Town does not provide holidays to sworn Police and certified Fire employees; however, in exchange these employees receive higher accrual vacation leave rates.

EXHIBIT 4H
PAID HOLIDAYS OBSERVED

Paid Holidays Observed by Peer Organizations		Peer Percentage "Yes"	Town of Palm Beach, FL
New Year's Day	General Employees	100%	Yes
	Police Certified Employees	100%	No
	Fire Certified Employees	100%	No
New Year's Eve	General Employees	27.3%	Yes
	Police Certified Employees	0%	No
	Fire Certified Employees	0%	No
Martin Luther King, Jr. Day	General Employees	100%	Yes
	Police Certified Employees	100%	No
	Fire Certified Employees	100%	No
Lincoln's Birthday	General Employees	0%	No
	Police Certified Employees	0%	No
	Fire Certified Employees	0%	No
Washington's Birthday	General Employees	0%	No
	Police Certified Employees	0%	No
	Fire Certified Employees	16.7%	No
Presidents Day	General Employees	90.9%	Yes
	Police Certified Employees	85.7%	No
	Fire Certified Employees	66.7%	No
Good Friday	General Employees	9.1%	No
	Police Certified Employees	14.3%	No
	Fire Certified Employees	16.7%	No
Memorial Day	General Employees	90.9%	Yes
	Police Certified Employees	85.7%	No
	Fire Certified Employees	83.3%	No
Independence Day	General Employees	100%	Yes
	Police Certified Employees	100%	No
	Fire Certified Employees	100%	No
Labor Day	General Employees	100%	Yes
	Police Certified Employees	100%	No
	Fire Certified Employees	100%	No

EXHIBIT 4H (CONTINUED)
PAID HOLIDAYS OBSERVED

Paid Holidays Observed by Peer Organizations		Peer Percentage "Yes"	Town of Palm Beach, FL
Veteran's Day	General Employees	100%	Yes
	Police Certified Employees	100%	No
	Fire Certified Employees	100%	No
Thanksgiving Day	General Employees	100%	Yes
	Police Certified Employees	100%	No
	Fire Certified Employees	100%	No
Day after Thanksgiving	General Employees	90.9%	Yes
	Police Certified Employees	85.7%	No
	Fire Certified Employees	83.3%	No
Christmas Eve	General Employees	63.6%	Yes
	Police Certified Employees	57.1%	No
	Fire Certified Employees	50.0%	No
Christmas Day	General Employees	90.9%	Yes
	Police Certified Employees	85.7%	No
	Fire Certified Employees	83.3%	No
Personal Holiday	General Employees	54.6%	Yes
	Police Certified Employees	57.1%	Yes
	Fire Certified Employees	50%	Yes
Employee Birthday	General Employees	0%	No
	Police Certified Employees	0%	No
	Fire Certified Employees	0%	No
Floating Holiday (TBD)	General Employees	9.1%	Yes
	Police Certified Employees	14%	Shift employees work holidays and therefore receive higher accrual vacation leave rate.
	Fire Certified Employees	17%	Shift employees work holidays and therefore receive higher accrual vacation leave rate.
Other- Columbus Day	General Employees	27.3%	No
	Police Certified Employees	28.6%	No
	Fire Certified Employees	33.3%	No

4.2 BENEFITS SURVEY SUMMARY

The peer benefits data summarized in this chapter indicate that the Town has a relatively competitive benefits package. The Town provides its employees with many of the benefits that are available at peer organizations. Areas where the Town could improve its current benefits package include providing a COLA during retirement, allowing new employees to use accrued sick leave immediately, and raising the maximum hours of accrued vacation leave for General employees.

Chapter 5 - Recommendations

The analysis of the Town's compensation system revealed several areas of opportunity for improvement. Evergreen worked to build on the strength of the existing total compensation system while placing focus on developing a competitive pay structure. Study recommendations, as well as the findings that led to each, are discussed in this chapter.

5.1 COMPENSATION SYSTEM

The compensation system analysis consisted of two parts: an external market assessment and an internal equity assessment. During the external market assessment, the Town's pay ranges for selected benchmark classifications were compared to the average of the identified market. During the internal equity assessment, consideration of the relationships between and the type of work being performed by the Town's employees were reviewed. Details regarding the external market assessment were provided in **Chapter 4** of this report.

FINDINGS

Based on the results of the salary survey, the Town's pay plan was found to have salary ranges that overall lagged its desired market position; i.e., the 75th percentile, for many of the benchmark classifications. The Town administered an open-range plan design for all employee groups, while many of the Town's peers administered step plans for its Police and Fire employee groups. The Town's current pay plan design (open-range) for Police and Fire groups did not, therefore, match the predominant plan design found in the market. As well, the General pay plan was found to have more than an expected number (111) of pay grades/ranges than considered best practice.

RECOMMENDATION 1: Develop a new competitive open-range pay plan for General employees that reflect the Town's desired market position and best practice; and develop competitive step-based pay plans for Police and Fire employees that reflect the same. Then, slot all classifications into the plans (ranges) based on external and internal equity; and implement the new pay structure by transitioning employees' salaries into the new plans.

Exhibits 5A and **5B** show the proposed new open-range pay plan for General employees with 33 pay grades, numbered 101 through 133. The range spreads are a constant 60% throughout the entire plan. **Exhibit 5A** shows the grades with annual salary ranges and **Exhibit 5B** shows the grades by hourly rate assuming annual scheduled hours of 2080.

EXHIBIT 5A
PROPOSED PAY PLAN – GENERAL (SALARY)

Grade	Minimum	Midpoint	Maximum	Range Spread
101	$ 23,834.12	$ 30,984.35	$ 38,134.59	60.0%
102	$ 25,025.82	$ 32,533.57	$ 40,041.32	60.0%
103	$ 26,277.11	$ 34,160.25	$ 42,043.38	60.0%
104	$ 27,590.97	$ 35,868.26	$ 44,145.55	60.0%
105	$ 28,970.52	$ 37,661.67	$ 46,352.83	60.0%
106	$ 30,419.04	$ 39,544.76	$ 48,670.47	60.0%
107	$ 31,940.00	$ 41,521.99	$ 51,103.99	60.0%
108	$ 33,537.00	$ 43,598.09	$ 53,659.19	60.0%
109	$ 35,213.85	$ 45,778.00	$ 56,342.15	60.0%
110	$ 36,974.54	$ 48,066.90	$ 59,159.26	60.0%
111	$ 38,823.26	$ 50,470.24	$ 62,117.22	60.0%
112	$ 40,764.43	$ 52,993.76	$ 65,223.08	60.0%
113	$ 42,802.65	$ 55,643.44	$ 68,484.24	60.0%
114	$ 44,942.78	$ 58,425.62	$ 71,908.45	60.0%
115	$ 47,189.92	$ 61,346.90	$ 75,503.87	60.0%
116	$ 49,549.42	$ 64,414.24	$ 79,279.07	60.0%
117	$ 52,026.89	$ 67,634.95	$ 83,243.02	60.0%
118	$ 54,628.23	$ 71,016.70	$ 87,405.17	60.0%
119	$ 57,359.64	$ 74,567.54	$ 91,775.43	60.0%
120	$ 60,227.63	$ 78,295.91	$ 96,364.20	60.0%
121	$ 63,239.01	$ 82,210.71	$101,182.41	60.0%
122	$ 66,400.96	$ 86,321.25	$106,241.53	60.0%
123	$ 69,721.01	$ 90,637.31	$111,553.61	60.0%
124	$ 73,207.06	$ 95,169.17	$117,131.29	60.0%
125	$ 77,599.48	$100,879.32	$124,159.17	60.0%
126	$ 82,255.45	$106,932.08	$131,608.72	60.0%
127	$ 87,190.77	$113,348.01	$139,505.24	60.0%
128	$ 92,422.22	$120,148.89	$147,875.55	60.0%
129	$ 97,967.55	$127,357.82	$156,748.09	60.0%
130	$103,845.61	$134,999.29	$166,152.97	60.0%
131	$111,114.80	$144,449.24	$177,783.68	60.0%
132	$118,892.84	$154,560.69	$190,228.54	60.0%
133	$142,671.40	$185,472.83	$228,274.25	60.0%

EXHIBIT 5B
PROPOSED PAY PLAN – GENERAL (HOURLY)

Grade	Minimum Hourly	Midpoint Hourly	Maximum Hourly	Range Spread
101	$ 11.4587	$14.8963	$ 18.3339	60.0%
102	$ 12.0316	$15.6411	$ 19.2506	60.0%
103	$ 12.6332	$16.4232	$ 20.2132	60.0%
104	$ 13.2649	$17.2444	$ 21.2238	60.0%
105	$ 13.9281	$18.1066	$ 22.2850	60.0%
106	$ 14.6245	$19.0119	$ 23.3993	60.0%
107	$ 15.3558	$19.9625	$ 24.5692	60.0%
108	$ 16.1236	$20.9606	$ 25.7977	60.0%
109	$ 16.9297	$22.0087	$ 27.0876	60.0%
110	$ 17.7762	$23.1091	$ 28.4420	60.0%
111	$ 18.6650	$24.2645	$ 29.8640	60.0%
112	$ 19.5983	$25.4778	$ 31.3573	60.0%
113	$ 20.5782	$26.7517	$ 32.9251	60.0%
114	$ 21.6071	$28.0892	$ 34.5714	60.0%
115	$ 22.6875	$29.4937	$ 36.2999	60.0%
116	$ 23.8218	$30.9684	$ 38.1149	60.0%
117	$ 25.0129	$32.5168	$ 40.0207	60.0%
118	$ 26.2636	$34.1426	$ 42.0217	60.0%
119	$ 27.5768	$35.8498	$ 44.1228	60.0%
120	$ 28.9556	$37.6423	$ 46.3289	60.0%
121	$ 30.4034	$39.5244	$ 48.6454	60.0%
122	$ 31.9235	$41.5006	$ 51.0777	60.0%
123	$ 33.5197	$43.5756	$ 53.6315	60.0%
124	$ 35.1957	$45.7544	$ 56.3131	60.0%
125	$ 37.3074	$48.4997	$ 59.6919	60.0%
126	$ 39.5459	$51.4097	$ 63.2734	60.0%
127	$ 41.9186	$54.4942	$ 67.0698	60.0%
128	$ 44.4338	$57.7639	$ 71.0940	60.0%
129	$ 47.0998	$61.2297	$ 75.3597	60.0%
130	$ 49.9258	$64.9035	$ 79.8812	60.0%
131	$ 53.4206	$69.4468	$ 85.4729	60.0%
132	$ 57.1600	$74.3080	$ 91.4560	60.0%
133	$ 68.5920	$89.1696	$109.7472	60.0%

Exhibits 5C and **5D** show the proposed step-based pay plan for employees in sworn Police classifications with seven pay grades, numbered P1 through P7. The pay structure was designed with direct regard to each classification being competitive with the 75th percentile of the market. Range spreads varied between 29 percent and 60 percent. **Exhibit 5C** shows the grades as annual salary and **Exhibit 5D** shows the grades by hourly rate. The Town expressed a desire to have 10 steps for the pay plan. The plan was designed to place employees with five years of tenure at the midpoint of the range. Since all employees initially start at Step 1, Step 6 is the approximate midpoint for each range. Step progressions vary between 2.75 percent and 5.39 percent. Grades P2 through P4, with the exception of the Non-shift P4 grade, are based on a 2,093-annual hour schedule while the rest are based on a 2,080-annual hour schedule. Grade P4 is shown as two separate grades for the hourly illustration as the Police Lieutenant – Shift classification would have a 2,093-annual hour schedule.

EXHIBIT 5C
PROPOSED PAY PLAN – POLICE (SALARY)

Grade/Step	1	2	3	4	5
P1	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00
P2	$ 62,482.00	$ 65,387.41	$ 68,427.93	$ 71,609.83	$ 74,939.68
P3	$ 86,358.00	$ 88,732.85	$ 91,173.00	$ 93,680.26	$ 96,256.46
P4	$101,752.00	$104,824.91	$107,990.62	$111,251.94	$114,611.75
P5	$107,751.00	$112,222.67	$116,879.91	$121,730.42	$126,782.24
P6	$113,206.00	$118,945.54	$124,976.08	$131,312.37	$137,969.91
P7	$122,522.00	$129,125.94	$136,085.82	$143,420.85	$151,151.23

EXHIBIT 5C (CONTINUED)
PROPOSED PAY PLAN – POLICE (SALARY)

Grade/Step	6	7	8	9	10
P1	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00
P2	$ 78,424.38	$ 82,133.85	$ 86,018.78	$ 90,087.47	$ 94,348.61
P3	$ 98,903.52	$101,890.40	$104,967.49	$108,137.51	$111,403.26
P4	$118,073.02	$121,945.82	$125,945.64	$130,076.66	$134,343.17
P5	$132,043.70	$137,721.58	$143,643.61	$149,820.28	$156,262.55
P6	$144,964.98	$152,300.21	$160,006.60	$168,102.93	$176,608.94
P7	$159,298.28	$167,788.88	$176,732.03	$186,151.85	$196,073.74

EXHIBIT 5D
PROPOSED PAY PLAN – POLICE (HOURLY)

Grade/Step	1	2	3	4	5
P1	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673
P2	$ 29.8528	$ 31.2410	$ 32.6937	$ 34.2140	$ 35.8049
P3	$ 41.2604	$ 42.3951	$ 43.5609	$ 44.7588	$ 45.9897
P4 - Shift	$ 48.6154	$ 50.0836	$ 51.5961	$ 53.1543	$ 54.7596
P4	$ 48.9192	$ 50.3966	$ 51.9186	$ 53.4865	$ 55.1018
P5	$ 51.4816	$ 53.6181	$ 55.8432	$ 58.1607	$ 60.5744
P6	$ 54.4260	$ 57.1854	$ 60.0847	$ 63.1309	$ 66.3317
P7	$ 58.9048	$ 62.0798	$ 65.4259	$ 68.9523	$ 72.6689

EXHIBIT 5D (CONTINUED)
PROPOSED PAY PLAN – POLICE (HOURLY)

Grade/Step	6	7	8	9	10
P1	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673
P2	$ 37.4698	$ 39.2422	$ 41.0983	$ 43.0423	$ 45.0782
P3	$ 47.2544	$ 48.6815	$ 50.1517	$ 51.6663	$ 53.2266
P4 - Shift	$ 56.4133	$ 58.2636	$ 60.1747	$ 62.1484	$ 64.1869
P4	$ 56.7659	$ 58.6278	$ 60.5508	$ 62.5369	$ 64.5881
P5	$ 63.0882	$ 65.8010	$ 68.6305	$ 71.5816	$ 74.6596
P6	$ 69.6947	$ 73.2213	$ 76.9263	$ 80.8187	$ 84.9081
P7	$ 76.5857	$ 80.6677	$ 84.9673	$ 89.4961	$ 94.2662

Exhibits 5E and 5F show the proposed step-based pay plan for all Fire employees with nine pay grades, numbered F1 through F9. The pay structure was designed with direct regard to each classification being competitive with the 75th percentile of the market. Range spreads varied between 36 percent and 56 percent. Exhibit 5E shows the grades by annual salary and Exhibit 5F shows the grades by hourly rate. The Town expressed a desire to have 10 steps for the pay plan. The plan was designed to place employees with five years of tenure at the midpoint of the range. Since all employees initially start at Step 1, Step 6 is the approximate midpoint for each range. Step progressions vary between 3.37 percent and 5.07 percent. Grades F1 through F6 are based on a 2,496-annual hour schedule while the rest are based on a 2,080-annual hour schedule.

EXHIBIT 5E
PROPOSED PAY PLAN – FIRE (SALARY)

Grade/Step	1	2	3	4	5
F1	$ 54,690.00	$ 57,233.09	$ 59,894.42	$ 62,679.51	$ 65,594.11
F2	$ 61,476.00	$ 64,334.63	$ 67,326.19	$ 70,456.86	$ 73,733.11
F3	$ 62,370.00	$ 65,270.21	$ 68,305.27	$ 71,481.46	$ 74,805.35
F4	$ 66,050.00	$ 69,121.33	$ 72,335.47	$ 75,699.07	$ 79,219.07
F5	$ 74,290.00	$ 78,056.50	$ 82,013.97	$ 86,172.08	$ 90,541.00
F6	$ 91,288.00	$ 95,377.70	$ 99,650.62	$104,114.97	$108,779.32
F7	$102,149.00	$105,591.42	$109,149.85	$112,828.20	$116,630.51
F8	$110,211.00	$115,523.17	$121,091.39	$126,927.99	$133,045.92
F9	$122,011.00	$127,477.09	$133,188.07	$139,154.89	$145,389.03

EXHIBIT 5E (CONTINUED)
PROPOSED PAY PLAN – FIRE (SALARY)

Grade/Step	6	7	8	9	10
F1	$ 68,644.24	$ 71,891.11	$ 75,291.56	$ 78,852.85	$ 82,582.59
F2	$ 77,161.70	$ 80,811.44	$ 84,633.83	$ 88,637.01	$ 92,829.54
F3	$ 78,283.80	$ 81,986.63	$ 85,864.59	$ 89,925.99	$ 94,179.49
F4	$ 82,902.76	$ 86,824.06	$ 90,930.84	$ 95,231.87	$ 99,736.33
F5	$ 95,131.43	$ 99,945.08	$105,002.30	$110,315.42	$115,897.38
F6	$113,652.64	$118,880.66	$124,349.17	$130,069.23	$136,052.41
F7	$120,560.96	$124,913.21	$129,422.58	$134,094.73	$138,935.55
F8	$139,458.73	$146,250.37	$153,372.77	$160,842.02	$168,675.03
F9	$151,902.46	$158,889.97	$166,198.91	$173,844.06	$181,840.89

EXHIBIT 5F
PROPOSED PAY PLAN – FIRE (HOURLY)

Grade/Step	1	2	3	4	5
F1	$ 21.9111	$ 22.9299	$ 23.9962	$ 25.1120	$ 26.2797
F2	$ 24.6298	$ 25.7751	$ 26.9736	$ 28.2279	$ 29.5405
F3	$ 24.9880	$ 26.1499	$ 27.3659	$ 28.6384	$ 29.9701
F4	$ 26.4623	$ 27.6928	$ 28.9806	$ 30.3282	$ 31.7384
F5	$ 29.7636	$ 31.2726	$ 32.8582	$ 34.5241	$ 36.2744
F6	$ 36.5737	$ 38.2122	$ 39.9241	$ 41.7127	$ 43.5815
F7	$ 49.1101	$ 50.7651	$ 52.4759	$ 54.2443	$ 56.0724
F8	$ 52.9861	$ 55.5400	$ 58.2170	$ 61.0231	$ 63.9644
F9	$ 58.6591	$ 61.2871	$ 64.0327	$ 66.9014	$ 69.8986

EXHIBIT 5F (CONTINUED)
PROPOSED PAY PLAN – FIRE (HOURLY)

Grade/Step	6	7	8	9	10
F1	$ 27.5017	$ 28.8025	$ 30.1649	$ 31.5917	$ 33.0860
F2	$ 30.9141	$ 32.3764	$ 33.9078	$ 35.5116	$ 37.1913
F3	$ 31.3637	$ 32.8472	$ 34.4009	$ 36.0280	$ 37.7322
F4	$ 33.2142	$ 34.7853	$ 36.4306	$ 38.1538	$ 39.9585
F5	$ 38.1136	$ 40.0421	$ 42.0682	$ 44.1969	$ 46.4332
F6	$ 45.5339	$ 47.6285	$ 49.8194	$ 52.1111	$ 54.5082
F7	$ 57.9620	$ 60.0544	$ 62.2224	$ 64.4686	$ 66.7959
F8	$ 67.0475	$ 70.3127	$ 73.7369	$ 77.3279	$ 81.0938
F9	$ 73.0300	$ 76.3894	$ 79.9033	$ 83.5789	$ 87.4235

After developing the new structure of pay plans, Evergreen slotted each proposed classification into the appropriate pay range within the plans. Both internal and external equity were reviewed when slotting the classifications. Assigning pay grades to classifications requires a balance of internal equity, desired market position, and recruitment and retention concerns. Thus, market range data shown in **Chapter 3** were not the sole criteria for the proposed pay ranges. Some classifications' grade assignments varied from their associated market range due to the other factors mentioned above. The resulting recommended pay grades for each of the Town's classifications are shown in **Exhibits 5D – 5F**.

EXHIBIT 5D
PROPOSED PAY GRADES – GENERAL EMPLOYEES

Recommended Class Title	Proposed Grade	Proposed Minimum	Proposed Midpoint	Proposed Maximum
Golf Course Associate Tennis Attendant	101	$ 23,834.12	$ 30,984.35	$ 38,134.59
Activity Leader	102	$ 25,025.82	$ 32,533.57	$ 40,041.32
Bus Driver	103	$ 26,277.11	$ 34,160.25	$ 42,043.38
Vehicle Technician	105	$ 28,970.52	$ 37,661.67	$ 46,352.83
Maintenance Associate Pro-Shop Assistant	107	$ 31,940.00	$ 41,521.99	$ 51,103.99
Dock Attendant Laborer	108	$ 33,537.00	$ 43,598.09	$ 53,659.19
Equipment Operator Lifeguard Lifeguard On-Call	109	$ 35,213.85	$ 45,778.00	$ 56,342.15
Building Maintenance Worker Maintenance Worker	110	$ 36,974.54	$ 48,066.90	$ 59,159.26
Development Geoprocessor Technician Development Permit Coordinator Parking Enforcement Officer Police Records Specialist	111	$ 38,823.26	$ 50,470.24	$ 62,117.22
Accounting Technician Equipment Operator I Irrigation And Spray Technician Junior Buyer Lead Parking Enforcement Officer Street & Sign Painter	112	$ 40,764.43	$ 52,993.76	$ 65,223.08
Administrative Assistant Equipment Operator II	113	$ 42,802.65	$ 55,643.44	$ 68,484.24
Administrative Specialist Code Compliance Officer I Crane Operator Crew Foreman/Irrigation Specialist Equipment Operator III Human Resources Specialist Parking/Code Enforcement Specialist Transfer Station Operator Water Resources Technician I	114	$ 44,942.78	$ 58,425.62	$ 71,908.45
Business Services Supervisor Deputy Town Clerk Fleet Mechanic Golf Course Mechanic Human Resources Coordinator Office Manager Supervisor Lifeguard Telecommunicator Warehouse Coordinator	115	$ 47,189.92	$ 61,346.90	$ 75,503.87

EXHIBIT 5D (CONTINUED)
PROPOSED PAY GRADES – GENERAL EMPLOYEES

Recommended Class Title	Proposed Grade	Proposed Minimum	Proposed Midpoint	Proposed Maximum
Buyer Crime Intelligence Analyst Crime Scene Evidence Tech II Industrial Electrician Purchasing Coordinator	116	$ 49,549.42	$ 64,414.24	$ 79,279.07
Planner Recreation Supervisor Right Of Way Inspector Water Resources Technician II	117	$ 52,026.89	$ 67,634.95	$ 83,243.02
Accountant Fire Inspector Information Technology Specialist Parking/Code Enforcement Manager Sanitation Supervisor Telecommunicator Supervisor Trash Supervisor	118	$ 54,628.23	$ 71,016.70	$ 87,405.17
Fleet Mechanic Supervisor Grounds Supervisor Human Resources Analyst Police Planner Senior Industrial Electrician	119	$ 57,359.64	$ 74,567.54	$ 91,775.43
Budget Analyst Combination Building Inspector Fleet Manager General Maintenance Supervisor Lead Telecommunications Supervisor Risk Manager Town Clerk Training & Comm Relations Coor	120	$ 60,227.63	$ 78,295.91	$ 96,364.20
Combination Plan Reviewer Crime Scene Evidence Manager Dockmaster GIS Coordinator Golf Course Superintendent Utilities Maintenance Supervisor	121	$ 63,239.01	$ 82,210.71	$ 101,182.41
Administrative Manager Assistant Purchasing Manager Chief Electrical Inspector Chief Plumbing Inspector	122	$ 66,400.96	$ 86,321.25	$ 106,241.53
Golf Manager Planning Administrator Systems Administrator	123	$ 69,721.01	$ 90,637.31	$ 111,553.61
Assistant Director Of Recreation Assistant Information Technology Manager Chief Building Inspector Zoning Administrator	124	$ 73,207.06	$ 95,169.17	$ 117,131.29

EXHIBIT 5D (CONTINUED)
PROPOSED PAY GRADES – GENERAL EMPLOYEES

Recommended Class Title	Proposed Grade	Proposed Minimum	Proposed Midpoint	Proposed Maximum
Civil Engineer Coastal Program Manager Project Manager (Engineering) Underground Utilities Project Manager	125	$ 77,599.48	$ 100,879.32	$ 124,159.17
Facilities Maint Div Manager Senior Project Engineer Services Division Manager Water Resources Division Manager	126	$ 82,255.45	$ 106,932.08	$ 131,608.72
Fire Marshal Purchasing Manager	127	$ 87,190.77	$ 113,348.01	$ 139,505.24
Assistant Director Of Finance Assistant Director Of Human Resources	128	$ 92,422.22	$ 120,148.89	$ 147,875.55
Assistant Director of Planning, Zoning, & Building Assistant Director Of Public Works Town Engineer	130	$ 103,845.61	$ 134,999.29	$ 166,152.97
Director of Business Development & Operations Director Of Human Resources Director Of Planning Zoning & Building Director Of Public Works Information Technology Manager	131	$ 111,114.80	$ 144,449.24	$ 177,783.68
Director Of Finance	132	$ 118,892.84	$ 154,560.69	$ 190,228.54
Deputy Town Manager	133	$ 142,671.40	$ 185,472.83	$ 228,274.25

EXHIBIT 5E
PROPOSED PAY GRADES – POLICE EMPLOYEES

Recommended Class Title	Proposed Grade	Proposed Minimum	Proposed Midpoint	Proposed Maximum
Police Trainee	P1	$ 43,820.00	$ 43,820.00	$ 43,820.00
Police Officer	P2	$ 62,482.00	$ 78,415.30	$ 94,348.61
Police Sergeant	P3	$ 86,358.00	$ 98,880.63	$ 111,403.26
Police Lieutenant	P4	$ 101,752.00	$ 118,047.59	$ 134,343.17
Police Captain	P5	$ 107,751.00	$ 132,006.78	$ 156,262.55
Police Major	P6	$ 113,206.00	$ 144,907.47	$ 176,608.94
Police Chief	P7	$ 122,522.00	$ 159,297.87	$ 196,073.74

It should be noted that the Police Captain, Police Major and Police Chief classifications were assigned pay grades in the proposed step plan. However, the Town may want to consider utilizing the identified pay minimums, midpoints and maximums as the basis for an open-range designed plan for these classifications.

EXHIBIT 5F
PROPOSED PAY GRADES – FIRE EMPLOYEES

Recommended Class Title	Proposed Grade	Proposed Minimum	Proposed Midpoint	Proposed Maximum
Firefighter EMT	F1	$ 54,690.00	$ 68,636.30	$ 82,582.59
Firefighter Paramedic	F2	$ 61,476.00	$ 77,152.77	$ 92,829.54
Firefighter Driver/Engineer EMT	F3	$ 62,370.00	$ 78,274.74	$ 94,179.49
Firefighter Driver/Engineer Paramedic	F4	$ 66,050.00	$ 82,893.17	$ 99,736.33
Lieutenant/Paramedic	F5	$ 74,290.00	$ 95,093.69	$ 115,897.38
Battalion Chief	F6	$ 91,288.00	$ 113,670.21	$ 136,052.41
Fire Rescue Division Chief - EMS Coordinator Fire Rescue Division Chief - Trng & Safety	F7	$ 102,149.00	$ 120,542.28	$ 138,935.55
Assistant Fire-Rescue Chief	F8	$ 110,211.00	$ 139,443.01	$ 168,675.03
Fire-Rescue Chief	F9	$ 122,011.00	$ 151,925.94	$ 181,840.89

It should be noted that the Fire Rescue Division Chief – EMS Coordinator, Fire Rescue Chief – Training and Safety, Assistant Fire-Rescue Chief, and Fire-Rescue Chief classifications were assigned pay grades in the proposed step plan. However, the Town may want to consider utilizing the identified pay minimums, midpoints and maximums as the basis for an open-range designed plan for these classifications.

After assigning pay grades to classifications, the next step was to develop appropriate methods (options) for transitioning employees' salaries into the revised plans. This was done utilizing equitable methods (options) for calculating salaries in the new plans and determining whether adjustments were necessary to individual salaries to bring them to their calculated salary. Evergreen calculated and provided optional transition methods in implementing the new plans. The approximate costs were for salary adjustments (only) and did not include the associated costs for employee benefits.

Bring Employees' Salaries to New Minimums (All)

Employees' salaries were compared to the minimums of their classification's proposed pay ranges. If an employee's salary was below his or her classification's pay range minimum, an adjustment was proposed to raise the individual's salary to the minimum. A benefit to this solution method is that it provides a basis for all other adjustment options. Additionally, best practice within Human Resources is to have all employees' salaries fall within the pay range of their classification. However, without the addition of other options described below, no current employees with a salary above the proposed minimum would receive adjustments.

Utilizing this approach, adjustments were then recommended for 64 General employees with an approximate annualized cost of **$145,158.** The same recommendation was made for 35 sworn Police employees with an approximate annualized cost of **$228,298.** Only insignificant adjustments (rounding of a few employees' annual salaries) were required for certified Fire employees utilizing this method.

Bring Employees' Salaries to Closest Step (Police and Fire)

With the implementation of new step plans for Police and Fire sworn and certified employees, individual salaries would need to be placed on a step within the respective plan. In this method, each employee was brought up to the closest step based on their current salary and proposed pay grade as no individual salaries were recommended to be decreased. Individual adjustments vary based on their proximity to the nearest higher salary in the proposed step plan.

Utilizing this approach, adjustments were then recommended for 62 Police employees and 65 Fire employees with additional approximate annualized costs of **$60,277** and **$107,358**, respectively.

Current Range Penetration (All)

Using this adjustment method, a calculation was performed to determine the percentage through the current range an employee's salary falls. The employee's recommended salary calculation would place him/her at the same percentage through the proposed range. For example, if an individual was at the midpoint (50%) of the current range, he/she was brought to the midpoint (50%) of the recommended range. This option somewhat alleviates compression resulting from bringing employees' salaries to the new minimums, but does not specifically address the issue of compression. This method also does not attempt to remedy any perceived salary inequities by employees within the same classification. For Police and Fire employees, the same methodology as with the Bring Employees' Salaries to Closest Step adjustment is applied to bring the new calculated salaries up to the closest step-salary.

Utilizing this approach, adjustments would be made for 218 General employees, 62 Police employees, and 64 Fire employees. The approximate annualized costs were calculated as **$1,194,081**, **$477,774**, and **$336,322**, respectively. These annualized costs are separated from the costs for the Bring Employees' Salaries to New Minimums adjustment, but do include the costs for the Bring Employees' Salaries to Closest Step methodology.

Current Range Penetration – Capped at Midpoint (All)

This adjustment method uses the same methodology as the Current Range Penetration method, with the exception that no employees' salaries are adjusted past the midpoint of the proposed ranges. Compression around the minimums would be somewhat alleviated, however this option has the potential to create compression around the new midpoints.

Utilizing this approach, adjustments would be made for 139 General employees for **$401,233**, 51 Police employees for **$326,921**, and 47 Fire employees for **$227,446.** Again, these annualized costs are separated from the costs for the Bring Employees' Salaries to New Minimums adjustment, but do include the costs for the Bring Employees' Salaries to Closest Step methodology.

Move Toward Market (3-Tier) (All)

Using this adjustment method, employees' salaries were moved closer toward the midpoint of the proposed pay grade range based on total tenure. The tiers used in the adjustment were designated as 1-3 years, 3-7 years, and over 7 years of tenure. Increments were designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more total tenure. Employees at or above the range midpoint were unaffected. This adjustment method attempts to address compression within the organization by creating more salary separation between employees based on their tenure. For Police and Fire employees, the same methodology as with the Bring Employees' Salaries to Closest Step adjustment is applied to bring the new calculated salaries up to the closest step-salary.

Utilizing this approach, adjustments would be made for 138 General employees for **$222,511**, 62 Police employees for **$378,612**, and 65 Fire employees for **$444,008.** These annualized costs are separated from the costs for the Bring Employees' Salaries to New Minimums adjustment, but do include the costs for the Bring Employees' Salaries to Closest Step methodology.

Move Toward Market (2-Tier) (All)

This adjustment method uses the same methodology as the Move Toward Market (3-Tier) method, except that the tenure tiers are 1-10 years and over 10 years. This adjustment method also addresses compression within the organization by creating more separation between employees based on their tenure. For Police and Fire employees, the same methodology as with the Bring Employees' Salaries to Closest Step adjustment is applied to bring the new calculated salaries up to the closest step-salary.

Utilizing this approach, adjustments would be made for 104 General employees for **$71,764**, 62 Police employees for **$454,788**, and 65 Fire employees for **$467,360.** These annualized costs are separated from the costs for the Bring Employees' Salaries to New Minimums adjustment, but do include the costs for the Bring Employees' Salaries to Closest Step methodology.

Exhibits 5G, 5H, and **5I** list all adjustment options together and list the total cost estimates for General, Police, and Fire employees, respectively, for each option. The exhibits also include the number of employees receiving adjustments within each option. Furthermore, the average salary adjustment for employees who are receiving an adjustment in each option (not an average of all employees) is included with its respective average percentage adjustment in each exhibit.

EXHIBIT 5G
COST ESTIMATES – GENERAL EMPLOYEES

Option	Total Implementation Cost	# Employees Receiving Adjustments	Avg. Salary Adjustment for Employees who receive an Adjustment	Avg. Percentage Adjustment
Bring to New Minimums	$ 145,158.24	64	$ 2,268.10	2.0%
Current Range Penetration	$ 1,194,080.85	218	$ 5,477.44	9.0%
Current Range Penetration - Capped at Midpoint	$ 401,232.83	139	$ 2,886.57	7.5%
Move Toward Market (3 Tier) & Closest Step in Revised Pay Plan	$ 222,511.31	138	$ 1,612.40	5.1%
Move Toward Market (2 Tier) & Closest Step in Revised Pay Plan	$ 71,764.30	104	$ 690.04	3.9%

EXHIBIT 5H
COST ESTIMATES – POLICE EMPLOYEES

Option	Total Implementation Cost	# Employees Receiving Adjustments	Avg. Salary Adjustment for Employees who receive an Adjustment	Avg. Percentage Adjustment
Bring to New Minimums	$ 228,298.34	35	$ 6,522.81	6.9%
Closest Step in Revised Pay Plan	$ 60,276.60	62	$ 972.20	1.0%
Current Range Penetration	$ 477,773.86	62	$ 7,706.03	10.0%
Current Range Penetration - Capped at Midpoint	$ 326,921.30	51	$ 6,410.22	11.2%
Move Toward Market (3 Tier) & Closest Step in Revised Pay Plan	$ 378,611.74	62	$ 6,106.64	8.8%
Move Toward Market (2 Tier) & Closest Step in Revised Pay Plan	$ 454,788.33	62	$ 7,335.30	11.2%

EXHIBIT 5I
COST ESTIMATES – FIRE EMPLOYEES

Option	Total Implementation Cost	# Employees Receiving Adjustments	Avg. Salary Adjustment for Employees who receive an Adjustment	Avg. Percentage Adjustment
Bring to New Minimums	$ 10.00	9	$ 1.11	0.0%
Closest Step in Revised Pay Plan	$ 113,721.01	67	$ 1,697.33	1.9%
Current Range Penetration	$ 364,881.69	66	$ 5,528.51	6.7%
Current Range Penetration - Capped at Midpoint	$ 250,204.41	49	$ 5,106.21	7.0%
Move Toward Market (3 Tier) & Closest Step in Revised Pay Plan	$ 461,220.27	67	$ 6,883.88	8.9%
Move Toward Market (2 Tier) & Closest Step in Revised Pay Plan	$ 484,571.57	67	$ 7,232.41	9.6%

5.2 EMPLOYEE BENEFITS

The Town's employee benefits will continue to require periodic monitoring to ensure they remain competitive with the labor market. The recommendations provided to improve the competiveness of benefits offered were developed based on conditions at the time the data were collected. Without proper upkeep, the potential for recruitment and retention issues may increase if the benefits become less competitive with the practices of peer organizations over time.

RECOMMENDATION 2: Conduct small-scale benefits surveys as needed to assess the market competitiveness of General, Police, and Fire groups and make changes if if necessary.

Employee benefits generally do not need to be adjusted as often as pay ranges, yet should be monitored periodically. If classifications in a certain retirement group (General, Police, Fire) are exhibiting high turnover or are having difficulty with recruitment despite being competitive with salaries, the Town should collect benefits data from peer organizations to determine if any adjustments are needed. As a result of this study, it was determined that many provided and/or offered benefits at the Town were competitive with peer organizations.

5.3 SYSTEM ADMINISTRATION

The Town's compensation system will continue to require periodic maintenance. The recommendations provided to improve the competiveness of the plan were developed based on conditions at the time the data were collected. Without proper upkeep, the potential for recruitment and retention issues may increase as the compensation system becomes dated and less competitive.

RECOMMENDATION 3: Conduct small-scale salary surveys as needed to assess the market competitiveness of hard-to-fill classifications and/or classifications with retention issues and make changes to pay grade assignments if necessary.

While it is unlikely that the pay plan in total will need to be adjusted for several years, a small number of classifications' pay grades may need to be reassigned more frequently. If one or more classifications are exhibiting high turnover or are having difficulty with recruitment, the Town should collect salary range data from peer organizations to determine whether an adjustment is needed for the pay grade of the classification(s). If increasing a classification's pay grade based on market data does not help with the recruitment and/or retention issues, it may be necessary for the Town to offer incentives to attract employees to the position and/or to encourage employees to remain in the position.

RECOMMENDATION 4: Conduct a comprehensive classification and compensation study every three to five years.

Small-scale salary surveys can improve the market position of specific classifications, but it is recommended that a full classification and compensation study be conducted every three to five years to preserve both internal and external equity. Changes to classification and compensation do occur, and while the increments of change may seem minor, they can compound over time. A failure to react to these changes quickly has the potential to place the Town in less than desirable position for recruiting and retaining quality employees.

RECOMMENDATION 5: Review and revise, as appropriate, guidelines for progressing employee salaries through the pay plan, including those for determining salaries of newly hired employees and employees who have been promoted or transferred to a different classification or department.

The method of moving salaries through the pay plan and setting new salaries for new hires, promotions, and transfers depends largely on an organization's compensation philosophy. It is important for the Town to have established guidelines for each of these situations, and to ensure that they are followed consistently for all employees. Common practices for progressing and establishing employee salaries are outlined below.

Salary Progression

There are several common methods for salary progression including cost of living adjustments (COLA) across the board, time based, and employee performance based. At the time of the study, Evergreen understood that the Town intended to continue to utilize a merit-based system as its primary method of salary progression. Based on findings in the salary survey;

however, it may want to consider utilizing a combination of COLA and merit adjustments, as do most of its peers. Ultimately, it is recommended that the Town continuously evaluate, as it has with this study, its salary progression methods for employees' salaries and make changes to align with its compensation philosophy as appropriate.

New Hires

Typically, an employee holding the minimum education and experience requirements for a classification is hired at or near the classification's pay grade minimum. However, for recruiting purposes the Town needs the ability to offer salaries to new employees that consider prior related experience. It is recommended that the Town continue to allow flexibility when establishing new employee salaries. It is also important, however, when determining new hire salaries to, when possible, preserve the internal equity of employees' salaries within the classification.

Promotions

When an employee is promoted to a new classification, it is important to have guidelines for calculating the employee's new salary that rewards the employee for his or her new responsibilities, moving the salary into the new pay grade, and ensuring internal equity in the new classification. For example, a range of three to seven percent increase is common today, with consideration given to preserving the internal equity of employees' salaries within the classification. The Town has established promotion guidelines which will continue to require review going forward to remain current with best practice.

Transfers

An employee transfer occurs when an employee is reassigned to a classification at the same pay grade as his or her current classification or when an employee's classification stays the same, but his or her department changes. In either of these cases, it is likely that no adjustment is necessary to the employee's salary. The only situation in which a salary adjustment would be needed for a transferred employee would be if his or her current salary is not aligned with the salaries of employees in the new classification or department. If that occurs, it may be necessary to adjust the salary of the employee or the incumbents of the classification to ensure salary equity within the new classification.

5.4 SUMMARY

The recommendations in this chapter provide an update to the compensation system for the Town's employees. If implemented, the recommendations will enhance the Town's competitiveness in the labor market. By implementing the new pay plans, it will have a responsive compensation system for several years to come. While the upkeep of this will require work, the Town will find that having a more competitive compensation system that enhances strong recruitment and employee retention is well worth this commitment.

Compensation and Benefit Study

MARCH 19, 2019



Agenda

- Introduction of Compensation and Benefit Survey by Town Staff
- Presentation of the Compensation and Benefit Study by Evergreen Consulting
- Decision Points for Town Council Discussion & Next Steps

Introduction
Compensation and Benefit Survey

- In November 2018, the Town began their engagement with Evergreen Consulting to conduct the study.

- Several factors in addition to market concerns, including concerns with turnover and compression, led to the decision by Town Council to conduct a Town-wide Compensation and Benefit Study.

Presentation of Final Report



Solutions Summary from Evergreen & Impact to Taxable Value

OR

	Option	Police	Fire	General	Total	Cost per $1M of Taxable Value (5%)
A:	Bring Employees' Salaries to New Minimums	$228,298	$10	$145,158	$373,467	$21
B:	Closest Step in Revised Pay Plan	$60,277	$113,721	N/A	$173,998	$30
C:	Current Range Penetration	$477,774	$364,882	$1,194,081	$2,036,736	$131
D:	Current Range Penetration - Capped at Midpoint	$326,921	$250,204	$401,233	$978,359	$73
E:	Move Toward Market (3 Tier) & Closest Step in Revised Pay Plan	$378,612	$461,220	$222,511	$1,062,343	$78
F:	Move Toward Market (2 Tier) & Closest Step in Revised Pay Plan	$454,788	$484,572	$71,764	$1,011,124	$75

Cost for Firefighter Workweek Change

	Firefighter / Paramedic	
	50.4 hour workweek	**48 hour workweek**
Annual Salary	$ 61,474.80	$ 61,474.80
Hourly	$ 23.4565	$ 24.6293
FICA	$ 4,702.82	$ 4,702.82
Health Insurance	$ 10,511.00	$ 10,511.00
Pension	$ 5,784.78	$ 5,784.78
Total	$ 82,473.40	$ 82,473.40

Annual Cost for 3 positions	**$**	**247,420.19**

Step plans presented by Evergreen Consulting include hourly rates based on workweek changes.
(Current 2620.8 hours/year for 50.4 hour workweek to 2496 hours/year for 48 hour workweek)

Next Steps

- In preparation of April 1st Meeting:
  - One-on-one Meetings with Staff and Town Council;
  - Staff requests decision on specific elements today from Town Council in order to proceed with further detailed analysis.
- Project Team and Department Directors, will meet to review survey results and discuss potential market anomalies with Evergreen Consulting to ensure data validity.
- All solutions presented and budget impact will be discussed in detail on April 1, 2019. This includes compensation, retirement and other benefits.

Next Steps

- Staff requests decision on specific elements today from Town Council in order to proceed with further detailed analysis.

  - ☑ Market Placement
  - ☑ Pay Plan Structure (Merit, Step, or Hybrid)
  - ☑ Address Compression
  - ☑ Pay Progression
  - ☑ Retirement and Other Benefits

Suggested Decision Points for Today

Topic	Background and Question
Market Placement	Pay range placement has been historically based on the 75th percentile (or top quartile) of the market. Does Town Council wish to maintain this practice or consider alternatives such as 50th percentile (or average) of the market or otherwise?

	Option	Police	Fire	General	Total	Cost per $1M of Taxable Value (5%)
A:	Bring Employees' Salaries to New Minimums	$228,298	$10	$145,158	$373,467	$21

Suggested Decision Points for Today

Topic	Background and Question
Pay Plan Structure (Merit, Step, or Hybrid)	Currently all employee groups are on pay system based on merit. Does the Town Council want to maintain this system, change to a 10-step plan for Police and Fire (as shown to be common in the market per the study), or pursue other alternatives, such as a hybrid merit step system?

	Option	Police	Fire	General	Total	Cost per $1M of Taxable Value (5%)
B:	Closest Step in Revised Pay Plan	$60,277	$113,721	N/A	$173,998	$30

Suggested Decision Points for Today

Sample: Standard 10-Step versus Merit Step for Police Officers, Using Existing FY19 Pay Range

POLICE OFFICER

STEP	Starting Pay 1	FTO[1]	2	3	4	5	6	7	8	9	10
% Between Steps		1%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%
$ Between Steps		$ 0.26	$ 1.64	$ 1.74	$ 1.85	$ 1.97	$ 2.09	$ 2.22	$ 2.36	$ 2.51	$ 2.67
Hourly Rate	$ 25.7254	$ 25.9827	$ 27.6205	$ 29.3617	$ 31.2126	$ 33.1802	$ 35.2718	$ 37.4952	$ 39.8589	$ 42.3715	$ 45.0425
Salary*	$ 53,843.26	$ 54,381.69	$ 57,809.81	$ 61,454.02	$ 65,327.95	$ 69,446.10	$ 73,823.84	$ 78,477.54	$ 83,424.60	$ 88,683.52	$ 94,273.95

[1] FTO Step represents the 1% pay increase Police Officers receive upon compltion of their Field Training Officer progam as a new hire.

Suggested Decision Points for Today

Sample: Standard 10-Step versus Merit Step for Police Officers, Using Existing FY19 Pay Range

MERIT STEP PLAN

POLICE OFFICER

	STEP	Starting Pay 1	FTO[1]	2	3	4	5	6	7	8	9	10	11	12
Review Score of 3.0 - 3.49	M1		1%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	1.4879%
	Hourly Rate	$ 25.7254	$ 25.9827	$ 27.4117	$ 28.9193	$ 30.5099	$ 32.1880	$ 33.9583	$ 35.8260	$ 37.7964	$ 39.8752	$ 42.0684	$ 44.3821	$ 45.0425
	Salary*	$ 53,843.26	$ 54,381.69	$ 57,372.69	$ 60,528.19	$ 63,857.24	$ 67,369.38	$ 71,074.70	$ 74,983.81	$ 79,107.92	$ 83,458.85	$ 88,049.09	$ 92,891.79	$ 94,273.95
Review Score of 3.5-4.0[2]	M2		1%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%		
	Hourly Rate	$ 25.7254	$ 25.9827	$ 27.6205	$ 29.3617	$ 31.2126	$ 33.1802	$ 35.2718	$ 37.4952	$ 39.8589	$ 42.3715	$ 45.0425		
	Salary*	$ 53,843.26	$ 54,381.69	$ 57,809.81	$ 61,454.02	$ 65,327.95	$ 69,446.10	$ 73,823.84	$ 78,477.54	$ 83,424.60	$ 88,683.52	$ 94,273.95		
Review Score of 4.01 or above	M3		1%	8.5000%	8.5000%	8.5000%	8.5000%	8.5000%	8.5000%	6.2577%				
	Hourly Rate	$ 25.7254	$ 25.9827	$ 28.1912	$ 30.5874	$ 33.1874	$ 36.0083	$ 39.0690	$ 42.3899	$ 45.0425				
	Salary*	$ 53,843.26	$ 54,381.69	$ 59,004.14	$ 64,019.49	$ 69,461.15	$ 75,365.34	$ 81,771.40	$ 88,721.97	$ 94,273.95				

[1] FTO Step represents the 1% pay increase Police Officers receive upon compltion of their Field Training Officer progam as a new hire.

[2] Average review score for a Police Officer is 3.72

Suggested Decision Points for Today

Sample: Standard 10-Step versus Merit Step for Police Officers, Using Existing FY19 Pay Range

POLICE OFFICER

STEP	Starting Pay 1	FTO[1]	2	3	4	5	6	7	8	9	10
% Between Steps		1%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%
$ Between Steps		$ 0.26	$ 1.64	$ 1.74	$ 1.85	$ 1.97	$ 2.09	$ 2.22	$ 2.36	$ 2.51	$ 2.67
Hourly Rate	$ 25.7254	$ 25.9827	$ 27.6205	$ 29.3617	$ 31.2126	$ 33.1802	$ 35.2718	$ 37.4952	$ 39.8589	$ 42.3715	$ 45.0425
Salary*	$ 53,843.26	$ 54,381.69	$ 57,809.81	$ 61,454.02	$ 65,327.95	$ 69,446.10	$ 73,823.84	$ 78,477.54	$ 83,424.60	$ 88,683.52	$ 94,273.95

[1] FTO Step represents the 1% pay increase Police Officers receive upon compltion of their Field Training Officer progam as a new hire.

MERIT STEP PLAN

POLICE OFFICER

STEP		Starting Pay 1	FTO[1]	2	3	4	5	6	7	8	9	10	11	12
Review Score of 3.0 - 3.49	M1		1%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	5.5000%	1.4879%
	Hourly Rate	$ 25.7254	$ 25.9827	$ 27.4117	$ 28.9193	$ 30.5099	$ 32.1880	$ 33.9583	$ 35.8260	$ 37.7964	$ 39.8752	$ 42.0684	$ 44.3821	$ 45.0425
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Review Score of 3.5-4.0[2]	M2		1%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%	6.3038%		
	Hourly Rate	$ 25.7254	$ 25.9827	$ 27.6205	$ 29.3617	$ 31.2126	$ 33.1802	$ 35.2718	$ 37.4952	$ 39.8589	$ 42.3715	$ 45.0425		
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Review Score of 4.01 or above	M3		1%	8.5000%	8.5000%	8.5000%	8.5000%	8.5000%	8.5000%	6.2577%				
	Hourly Rate	$ 25.7254	$ 25.9827	$ 28.1912	$ 30.5874	$ 33.1874	$ 36.0083	$ 39.0690	$ 42.3899	$ 45.0425				
	Salary*	$ 53,843.26	$ 54,381.69	$ 59,004.14	$ 64,019.49	$ 69,461.15	$ 75,365.34	$ 81,771.40	$ 88,721.97	$ 94,273.95				

[1] FTO Step represents the 1% pay increase Police Officers receive upon compltion of their Field Training Officer progam as a new hire.

[2] Average review score for a Police Officer is 3.72

Suggested Decision Points for Today

Topic	Background and Question
Address Compression	Four of the six solutions presented by the consultant address compression (C – F). Does Town Council wish to pursue models for addressing compression, or simply explore market range adjustments with no pay adjustments to address compression?

	Option	Police	Fire	General	Total	Cost per $1M of Taxable Value (5%)
C:	Current Range Penetration	$477,774	$364,882	$1,194,081	$2,036,736	$131
D:	Current Range Penetration - Capped at Midpoint	$326,921	$250,204	$401,233	$978,359	$73
E:	Move Toward Market (3 Tier) & Closest Step in Revised Pay Plan	$378,612	$461,220	$222,511	$1,062,343	$78
F:	Move Toward Market (2 Tier) & Closest Step in Revised Pay Plan	$454,788	$484,572	$71,764	$1,011,124	$75

Suggested Decision Points for Today

Topic	Background and Question
Pay Progression	Currently employee pay progresses thru a pay range based on merit only. In order to maintain pace with cost of living adjustments the pay ranges have annually been increased subject to budget approval. However, individual pay was not increased at the same rate as pay range adjustments resulting in pay compression. Does the Town Council want to consider pay progression options that would help to alleviate future pay compression?

Suggested Decision Points for Today

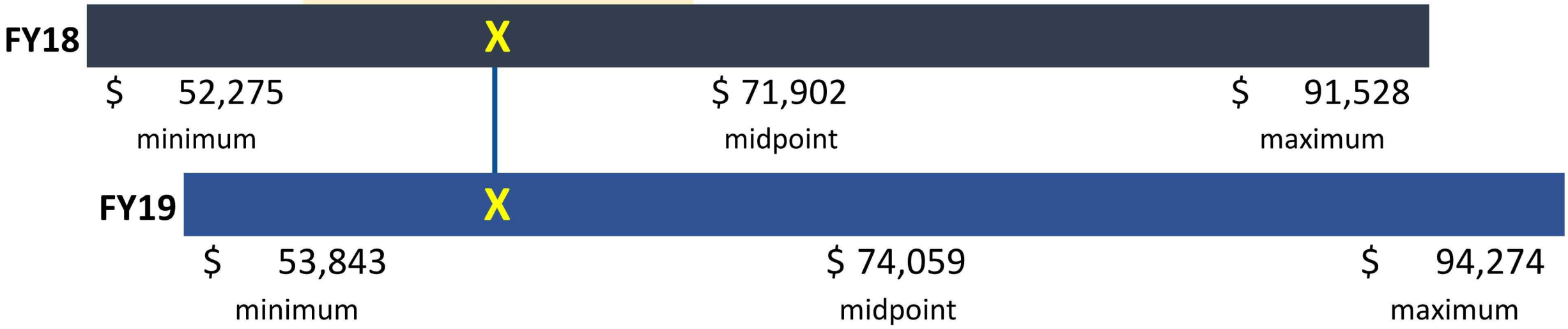
Police Officer

5 Years of Service

Average Review Score 3.80

$60,464

- FY19 – Pay ranges adjusted 3%
- Individual expected pay increase 5.5%



Suggested Decision Points for Today

Topic	Background and Question
Retirement and Other Benefits	Based on information presented in the Evergreen Solutions final report, and estimates provided by GRS (as enclosed): Does the Town Council want to consider other changes to retirement or other benefits that may require cost estimates?

Suggested Decision Points for Today

Ranking	Defined Benefit Formula Multiplier	Max %	Eligibility for Unreduced Service Pension	Vested Eligibility	Final Average Pay Period	Annual Retiree Cola	Normal Married Form of Benefit	Employee Contribution
1	PBG 3.5%	J None	PB 20 & Out/ 50 & 10/ Rule of 65	BB 5 Years	BR 2 Years	FRS 3%	PB 75% JS	FRS None
2	BB 3.5%	WPB None	J 55 & 10/ Age 60 / Rule of 65	G 6 Years	PB 2 Years	PBC 3%	WPB 66⅔% JS	PBC None
3	BR 3.5% + Sppl	LW None	PBG 20 & Out/ 52 & 10	FRS 6 Years	RB 2 Years	G 3%	DB 60% JS	NPB 2.00%
4	PB 3.5%	RB None	BB 20 & Out/ 55 & 10/ 50 & 15	PBG 6 Years	W 2 Years	3%/2%	PBG 10 YCL	G 4.00%
5	TMR 3.0	G None	20 & Out/ 55 & 10	T 6 Years	DB 3 Years	WPB CPI	BB 10 YCL	T 5.00%
6	DB 3.0%	NPB None	DB 20 & Out/ 55 & 10	PBG 5 Year Partial	J 3 Years	NPB CPI	BR 10 YCL	DB 6.00%
7	J 3.0%	PBG 100%	LW 20 & Out/ 55 & 10/ Rule of 75	PB 10 Years	WPB 3 Years	PB 1% / 2% Deferred 3 Years	J 10 YCL	PB 6.98%
8	LW 3.0%	BB 100%	RB 20 & Out/ 55 & 10	TMR 10 Years	TMR 5 Years	TMR 2% at 65	LW 10 YCL	TMR 6.98%
9	RB 3.0%	T 100%	WPB 25 & Out/ 55 & 10/ 50 & 20	DCA 10 Years	DCA 5 years	DB 1%	RB 10 YCL	DCA 6.98%
10	FRS 3.0%	FRS 100%	G 25 & Out/ 55 & 6	BR 10 Years	PBG 5 Years	PBG Plan Gain	G 10 YCL	BB 7%

SAMPLE

Police Officers & Firefighters Benefits Supplemental Valuation prepared by GRS

Proposed provisions considered in the valuation changes the normal retirement eligibly conditions, adding a service element to eligibility as follows:

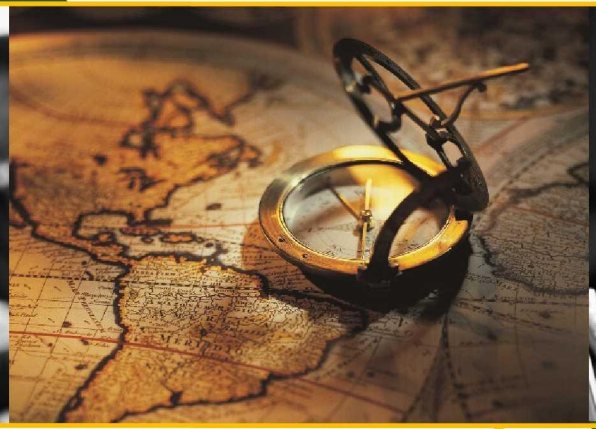
- Age 56 with at least 10 years of service or 25 years of service regardless of age;
- Age 56 with at least 10 years of service or 30 years of service regardless of age.

	POLICE OFFICERS		FIREFIGHTERS	
	25 & Out	30 & Out	25 & Out	30 & Out
Change in UAAL	$ 176,434	$ 40,687	$ 371,420	$ 45,290
Change in Funded Ratio	(0.1) %	0 %	(0.2) %	0 %
Change in Town Contribution	$55,117	$13,416	$70,522	$10,848

Next Steps

- In preparation of April 1st Meeting:
  - One-on-one Meetings with Staff and Town Council;
  - Staff requests decision on specific elements today from Town Council in order to proceed with further detailed analysis.
- Project Team and Department Directors, will meet to review survey results and discuss potential market anomalies with Evergreen Consulting to ensure data validity.
- All solutions presented and budget impact will be discussed in detail on April 1, 2019. This includes compensation, retirement and other benefits.

Compensation and Benefits Study for the Town of Palm Beach, Florida


Presentation of Results

19 March 2019

Evergreen Solutions, LLC

Agenda

- Study Process
- Town's Compensation Philosophy
- General, Police, Fire:
  - Current Conditions
  - Compensation
  - Proposed Pay Plan
  - Implementation Options & Cost
  - Benefits

Evergreen Solutions, LLC

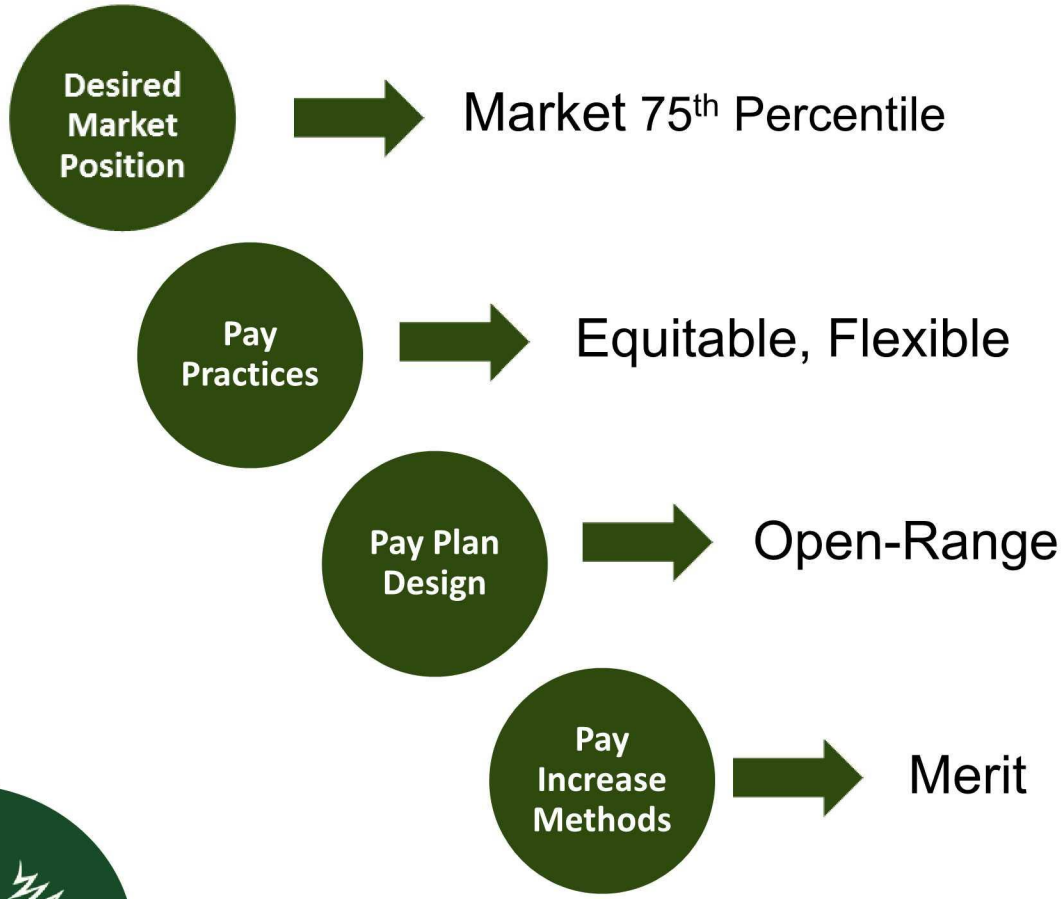
Study Process

- ✓ Reviewed Town's current compensation philosophy.
- ✓ Assessed the current pay plans.
- ✓ Conducted salary and benefits surveys; determined market competitiveness of current pay structure/plans.
- ✓ Proposed new competitive pay plans/pay grade assignments for General, Police, and Fire for Town's consideration.
- ✓ Prepared implementation options and cost estimates.
- ✓ Prepared report.

Evergreen Solutions, LLC

Compensation Philosophy

*Town's **current** compensation philosophy:*



Evergreen Solutions, LLC

Executive Overview
General

Current Conditions
Compensation
Proposed Pay Plan
Implementation Options & Cost
Benefits

Evergreen Solutions, LLC

Current Conditions

*Reviewed current pay system for **General** employees:*

- Open-range design
- Most pay range spreads at 61%
- Plan has 111 total grades

Analyzed distribution of employees' salaries by quartile:

- Employees' salaries were clustered in the 1st and 4th quartiles

1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
37.7%	10.8%	11.2%	40.4%

Midpoint

Evergreen Solutions, LLC

Compensation

Conducted public sector salary survey; collected salary range data from 26 peers:

- Private sector data were obtained via secondary salary source.

Market Peers
Broward County, FL Sheriff's Office
City of Coconut Creek, FL
City of Coral Springs, FL
Town of Davie, FL
City of Ft. Lauderdale, FL
City of Hollywood, FL Police Dept
City of Plantation, FL
City of Pompano Beach, FL
City of Sunrise, FL
*City of Coral Gables, FL
City of Miami Beach, FL
Miami-Dade Couty, FL Fire Rescue
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
City of Greenacres, FL
Town of Jupiter, FL
*City of Lake Worth, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
Village of Wellington, FL
City of West Palm Beach, FL
Palm Beach County, FL
Palm Beach County, FL Fire Rescue
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

* indicates data was not collected from peer

Evergreen Solutions, LLC

Compensation (cont.)

Collected public sector salary range data for 52 General classifications (subset of all); ***compared at market 75th percentile:***

Benchmark Classifications	Differential at the Range Minimum	Differential at the Range Midpoint	Differential at the Range Maximum
Overall Average	-13.6%	-11.6%	-10.6%

Midpoint is typically considered "market" as employees receiving pay at this point should be proficient and satisfactorily performing the duties of their classification.

* *Results do not indicate that all benchmarks (classifications) were ahead or behind desired market position.*

Evergreen Solutions, LLC

Compensation (cont.)

Compensation Related – General

Compensation Topic	Market Position	Rationale
Incentive Pay	**COMPETITIVE**	Differences: of all benchmarks, 20% of market for Telecommunicator and 25% of market for Town Engineer offered incentive pay. Not offered at the Town.
Additional Allowances	**COMPETITIVE**	Car allowance and cell phone allowance offered at both Town and peers.
Pay Plan Type	**-**	Open-Range at Town compared to 72.7% of market.
Average Tenure	**COMPETITIVE**	10 Years at Town compared to 10.4 years market.

Proposed Pay Plan

General

- Open-Range
- Reduced number of pay grades:

  Current: 111

  Proposed: 33

- Range spreads:

  Current: 61-64%

  Proposed: 60%

- Individually assigned a pay grade (range) for each classification based on internal and external equity analysis/review.

Grade	Minimum	Midpoint	Maximum	Range Spread
101	$ 23,834.12	$ 30,984.35	$ 38,134.59	60.0%
102	$ 25,025.82	$ 32,533.57	$ 40,041.32	60.0%
103	$ 26,277.11	$ 34,160.25	$ 42,043.38	60.0%
104	$ 27,590.97	$ 35,868.26	$ 44,145.55	60.0%
105	$ 28,970.52	$ 37,661.67	$ 46,352.83	60.0%
106	$ 30,419.04	$ 39,544.76	$ 48,670.47	60.0%
107	$ 31,940.00	$ 41,521.99	$ 51,103.99	60.0%
108	$ 33,537.00	$ 43,598.09	$ 53,659.19	60.0%
109	$ 35,213.85	$ 45,778.00	$ 56,342.15	60.0%
110	$ 36,974.54	$ 48,066.90	$ 59,159.26	60.0%
111	$ 38,823.26	$ 50,470.24	$ 62,117.22	60.0%
112	$ 40,764.43	$ 52,993.76	$ 65,223.08	60.0%
113	$ 42,802.65	$ 55,643.44	$ 68,484.24	60.0%
114	$ 44,942.78	$ 58,425.62	$ 71,908.45	60.0%
115	$ 47,189.92	$ 61,346.90	$ 75,503.87	60.0%
116	$ 49,549.42	$ 64,414.24	$ 79,279.07	60.0%
117	$ 52,026.89	$ 67,634.95	$ 83,243.02	60.0%
118	$ 54,628.23	$ 71,016.70	$ 87,405.17	60.0%
119	$ 57,359.64	$ 74,567.54	$ 91,775.43	60.0%
120	$ 60,227.63	$ 78,295.91	$ 96,364.20	60.0%
121	$ 63,239.01	$ 82,210.71	$101,182.41	60.0%
122	$ 66,400.96	$ 86,321.25	$106,241.53	60.0%
123	$ 69,721.01	$ 90,637.31	$111,553.61	60.0%
124	$ 73,207.06	$ 95,169.17	$117,131.29	60.0%
125	$ 77,599.48	$100,879.32	$124,159.17	60.0%
126	$ 82,255.45	$106,932.08	$131,608.72	60.0%
127	$ 87,190.77	$113,348.01	$139,505.24	60.0%
128	$ 92,422.22	$120,148.89	$147,875.55	60.0%
129	$ 97,967.55	$127,357.82	$156,748.09	60.0%
130	$103,845.61	$134,999.29	$166,152.97	60.0%
131	$111,114.80	$144,449.24	$177,783.68	60.0%
132	$118,892.84	$154,560.69	$190,228.54	60.0%
133	$142,671.40	$185,472.83	$228,274.25	60.0%

Evergreen Solutions, LLC

Implementation Options

Bring to New Minimums

A calculation is performed so that each employee's salary is adjusted to the minimum of their classification's proposed pay grade. If his/her salary is already within the proposed pay range, no adjustment is made.

General

- Total Implementation Cost: **$145,158**
- # General employees who would receive adjustments: **64**

* *Cost estimates are salary only and do not include the cost of benefits.*

Evergreen Solutions, LLC

Implementation Options

Current Range Penetration

A calculation is performed to determine the percentage through the current range an employee's salary falls. The employee's recommended salary calculation will place him/her at the same percentage through the proposed range. For example, if an individual is at the midpoint (50%) of the current range, he/she is brought to the midpoint of (50%) the recommended range. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

General

- Total Implementation Cost: **$1,194,081**
- # General employees who would receive adjustments: **218**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Current Range Penetration – Capped at Midpoint

A calculation is performed to determine the relative position of an employee's salary in the current pay range. The employee's recommended salary calculation is based on the employee's new salary being placed at the same relative position in the proposed range. For example, if an employee's salary is 40% into the current pay range, the proposed salary is placed at 40% into the recommended pay range. This places an employee's salary in the new range based on the relative position in the current range, yet does not place any salary beyond new midpoints unless the salary is already above that point, as no employee salary is reduced. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

General

- Total Implementation Cost: **$401,233**
- # General employees who would receive adjustments: **139**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Move Toward Midpoint (Market) - 3 Tier

Employees with at least 1 year and less than 3 years in their classification are moved closer toward the midpoint of proposed pay range; employees with between 3 and 7 years are moved even closer toward the midpoint; and employees with more than 7 years are moved yet even closer toward the midpoint of proposed pay range. Increments are designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more experience in their classification. Employees' salaries at or above the new midpoints are unaffected. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

General

- Total Implementation Cost: **$222,511**
- # General employees who would receive adjustments: **138**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Move Toward Midpoint (Market) - 2 Tier

Employees with at least 1 year and less than 10 years of total tenure are moved closer toward the midpoint of proposed pay range; and employees with more than 10 years are moved even closer toward the midpoint of proposed pay range. Increments are designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more experience in their classification. Employees' salaries at or above the new midpoints are unaffected. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

General

- Total Implementation Cost: **$71,764**
- # General employees who would receive adjustments: **104**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Benefits

Conducted benefits survey; collected data from 14 peers:

Respondents
Broward County, FL Sheriff's Office
City of Ft. Lauderdale, FL
City of Pompano Beach, FL
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
Town of Jupiter, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
City of West Palm Beach, FL
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

Benefits (cont.)

Benefits Comparison – General

Benefit Offered	Market Position	Rationale
Health Insurance	**COMPETITIVE**	Employer single coverage provided found as higher by 4.5% on average depending on health plan. Family coverage is on average 6.9% lower than market.
Dental Plans	**LEAD**	Employer single coverage provided found as higher by 37.3% on average (Town uses DPPO while 67.6% market uses DHMO). Lower for family coverage by 0.8%.
Retirement	**COMPETITIVE**	DB multiplier at 1.7 vs. up to 2.1 with market. Vesting at 10 years vs. 8 with market. No COLA during retirement (42.9% market). DC plan as 401a matching 50% of market. Employer contribution up to 5% vs 6.6% market.
Sick Leave	**LEAD**	Max hours accrued at 1,040 hours compared to market average 716 hours. However, 71.5% market allows use immediately, not after 6 months.
Vacation Leave	**LAG**	Hours accrued lags by average 31 hours/year. Town provides 160 hours/year vs. 187 hours/year with market.
Paid Holidays	**COMPETITIVE**	Town offers New Year's Eve vs. 27% of market. Town does not offer Columbus Day vs. 27.3% of market.

Executive Overview
Police

Current Conditions
Compensation
Proposed Pay Plan
Implementation Options & Cost
Benefits

Evergreen Solutions, LLC

Current Conditions

*Reviewed current pay system for sworn **Police** employees:*

- Open-range design
- Pay range spreads between 33% and 75%
- Plan has 7 total grades

Analyzed the distribution of employees' salaries by quartile:

- Employees' salaries were clustered in the 1st quartile

1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
60.9%	12.5%	0.0%	26.6%

Midpoint

Evergreen Solutions, LLC

Compensation

Conducted public sector salary survey; collected salary range data from 26 peers:

Market Peers
Broward County, FL Sheriff's Office
City of Coconut Creek, FL
City of Coral Springs, FL
Town of Davie, FL
City of Ft. Lauderdale, FL
City of Hollywood, FL Police Dept
City of Plantation, FL
City of Pompano Beach, FL
City of Sunrise, FL
*City of Coral Gables, FL
City of Miami Beach, FL
Miami-Dade Couty, FL Fire Rescue
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
City of Greenacres, FL
Town of Jupiter, FL
*City of Lake Worth, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
Village of Wellington, FL
City of West Palm Beach, FL
Palm Beach County, FL
Palm Beach County, FL Fire Rescue
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

* indicates data was not collected from peer

Evergreen Solutions, LLC

Compensation (cont.)

*Collected public sector salary range data for 7 sworn **Police** classifications; **compared at market 75th percentile**:*

Benchmark Classifications	Differential at the Range Minimum	Differential at the Range Midpoint	Differential at the Range Maximum
Overall Average	-15.5%	-11.9%	-8.4%

Midpoint is typically considered "market" as employees receiving pay at this point should be proficient and satisfactorily performing the duties of their classification.

* *Results do not indicate that all benchmarks (classifications) were ahead or behind.*

Evergreen Solutions, LLC

Compensation (cont.)

Compensation Related – Police

Compensation Topic	Market Position	Rationale
Overtime Threshold	**COMPETITIVE**	Town uses 167 hours in pay cycle, 40% of market uses 40 hours/week and 40% specified none.
Additional Allowances	**COMPETITIVE**	Cell phone, car, clothing, and shoe allowances all offered at both Town and majority of peers. Amounts vary.
Pay Plan Type	-	Town has open-range. 66.7% of market uses step-based plan.

Annual Hours Survey Comparison – Police

Classification	Peer Frequency - 2080 Annual Hours	Peer Frequency - 2184 Annual Hours	Town Annual Hours Worked
POLICE CAPTAIN	11	0	2,080
POLICE CHIEF	14	0	2,080
POLICE LIEUTENANT	8	1	2,093
POLICE MAJOR	9	0	2,080
POLICE OFFICER	11	2	2,093
POLICE SERGEANT	10	2	2,093
POLICE TRAINEE	5	0	2,080

Proposed Pay Plan

Police

- Step-Based
- Pay Grades
  - Current: 7
  - Proposed: 7
- Range spreads:
  - Current: 33-75%
  - Proposed: 29-60%

Salary

Grade/Step	1	2	3	4	5	6	7	8	9	10
P1	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00	$ 43,820.00
P2	$ 62,482.00	$ 65,387.41	$ 68,427.93	$ 71,609.83	$ 74,939.68	$ 78,424.38	$ 82,133.85	$ 86,018.78	$ 90,087.47	$ 94,348.61
P3	$ 86,358.00	$ 88,732.85	$ 91,173.00	$ 93,680.26	$ 96,256.46	$ 98,903.52	$101,890.40	$104,967.49	$108,137.51	$111,403.26
P4	$101,752.00	$104,824.91	$107,990.62	$111,251.94	$114,611.75	$118,073.02	$121,945.82	$125,945.64	$130,076.66	$134,343.17
P5	$107,751.00	$112,222.67	$116,879.91	$121,730.42	$126,782.24	$132,043.70	$137,721.58	$143,643.61	$149,820.28	$156,262.55
P6	$113,206.00	$118,945.54	$124,976.08	$131,312.37	$137,969.91	$144,964.98	$152,300.21	$160,006.60	$168,102.93	$176,608.94
P7	$122,522.00	$129,125.94	$136,085.82	$143,420.85	$151,151.23	$159,298.28	$167,788.88	$176,732.03	$186,151.85	$196,073.74

- Individually assigned a pay grade (range) for each classification in both plans based on both internal and external equity analysis/review.

Evergreen Solutions, LLC

Proposed Pay Plan

Police

- Step-Based
- Pay Grades
  - Current: 7
  - Proposed: 7
- Range spreads:
  - Current: 33-75%
  - Proposed: 29-60%

Hourly

Grade/Step	1	2	3	4	5	6	7	8	9	10
P1	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673	$ 21.0673
P2	$ 29.8528	$ 31.2410	$ 32.6937	$ 34.2140	$ 35.8049	$ 37.4698	$ 39.2422	$ 41.0983	$ 43.0423	$ 45.0782
P3	$ 41.2604	$ 42.3951	$ 43.5609	$ 44.7588	$ 45.9897	$ 47.2544	$ 48.6815	$ 50.1517	$ 51.6663	$ 53.2266
P4 - Shift	$ 48.6154	$ 50.0836	$ 51.5961	$ 53.1543	$ 54.7596	$ 56.4133	$ 58.2636	$ 60.1747	$ 62.1484	$ 64.1869
P4	$ 48.9192	$ 50.3966	$ 51.9186	$ 53.4865	$ 55.1018	$ 56.7659	$ 58.6278	$ 60.5508	$ 62.5369	$ 64.5881
P5	$ 51.4816	$ 53.6181	$ 55.8432	$ 58.1607	$ 60.5744	$ 63.0882	$ 65.8010	$ 68.6305	$ 71.5816	$ 74.6596
P6	$ 54.4260	$ 57.1854	$ 60.0847	$ 63.1309	$ 66.3317	$ 69.6947	$ 73.2213	$ 76.9263	$ 80.8187	$ 84.9081
P7	$ 58.9048	$ 62.0798	$ 65.4259	$ 68.9523	$ 72.6689	$ 76.5857	$ 80.6677	$ 84.9673	$ 89.4961	$ 94.2662

- Individually assigned a pay grade (range) for each classification in both plans based on both internal and external equity analysis/review.

Evergreen Solutions, LLC

Implementation Options

Bring to New Minimums

A calculation is performed so that each employee's salary is adjusted to the minimum of their classification's proposed pay grade. If his/her salary is already within the proposed pay range, no adjustment is made.

Police

- Total Implementation Cost: **$228,298**
- # Police employees who would receive adjustments: **35**

* *Cost estimates are salary only and do not include the cost of benefits.*

Evergreen Solutions, LLC

Implementation Options

Closest Step in New Pay Plan

Each employee is brought up to the closest step in the revised step plan based on his/her current salary. This option only applies to Police and Fire employees. The cost estimates below do NOT include the Bring to New Minimums cost.

Police

- Total Implementation Cost: **$60,277**
- # Police employees who would receive adjustments: **62**

* *Cost estimates are salary only and do not include the cost of benefits.*

Evergreen Solutions, LLC

Implementation Options

Current Range Penetration

A calculation is performed to determine the percentage through the current range an employee's salary falls. The employee's recommended salary calculation will place him/her at the same percentage through the proposed range. For example, if an individual is at the midpoint (50%) of the current range, he/she is brought to the midpoint of (50%) the recommended range. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Police

- Total Implementation Cost: **$477,774**
- # Police employees who would receive adjustments: **62**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Current Range Penetration – Capped at Midpoint

A calculation is performed to determine the relative position of an employee's salary in the current pay range. The employee's recommended salary calculation is based on the employee's new salary being placed at the same relative position in the proposed range. For example, if an employee's salary is 40% into the current pay range, the proposed salary is placed at 40% into the recommended pay range. This places an employee's salary in the new range based on the relative position in the current range, yet does not place any salary beyond new midpoints unless the salary is already above that point, as no employee salary is reduced. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Police

- Total Implementation Cost: **$326,921**
- # Police employees who would receive adjustments: **51**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Move Toward Midpoint (Market) - 3 Tier

Employees with at least 1 year and less than 3 years in their classification are moved closer toward the midpoint of proposed pay range; employees with between 3 and 7 years are moved even closer toward the midpoint; and employees with more than 7 years are moved yet even closer toward the midpoint of proposed pay range. Increments are designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more experience in their classification. Employees' salaries at or above the new midpoints are unaffected. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Police

- Total Implementation Cost: **$378,612**
- # Police employees who would receive adjustments: **62**

* *Cost estimates are salary only and do not include the cost of benefits.*

Evergreen Solutions, LLC

Implementation Options

Move Toward Midpoint (Market) - 2 Tier

Employees with at least 1 year and less than 10 years of total tenure are moved closer toward the midpoint of proposed pay range; and employees with more than 10 years are moved even closer toward the midpoint of proposed pay range. Increments are designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more experience in their classification. Employees' salaries at or above the new midpoints are unaffected. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Police

- Total Implementation Cost: **$454,788**
- # Police employees who would receive adjustments: **62**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Benefits

Conducted a public sector benefits survey; collected benefits data from 14 peers; analyzed external (market) equity:

Respondents
Broward County, FL Sheriff's Office
City of Ft. Lauderdale, FL
City of Pompano Beach, FL
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
Town of Jupiter, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
City of West Palm Beach, FL
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

Benefits (cont.)

Benefits Comparison – Police

Benefit Offered	Market Position	Rationale
Health Insurance	**COMPETITIVE**	Employer single coverage provided found as higher by 4.5% on average depending on health plan. Family coverage is on average 6.9% lower than market.
Dental Plans	**LEAD**	Employer single coverage provided found as higher by 37.3% on average (Town uses DPPO while 67.6% market uses DHMO). Lower for family coverage by 0.8%.
Retirement/Pension	**LAG**	Multiplier at 2.75 compared to 2.97 with market. Vesting period at 10 years compared to 9 with market. COLA not provided during retirement (42.9% market).
Sick Leave	**LEAD**	Max hours accrued at 1,040 hours compared to market average 683 hours. However, 57.1% market allows use immediately, not after 6 months.
Vacation Leave	**LEAD**	Hours accrued leads by average 69.5 hours/year. Town provides 256 hours/year (15+) vs. 180 hours/year with market.
Paid Holidays	**LAG**	Town does not offer paid holidays to Police. Shift employees work holidays and receive higher accrual vacation leave rate.

Executive Overview
Fire

Current Conditions
Compensation
Proposed Pay Plan
Implementation Options & Cost Benefits

Evergreen Solutions, LLC

Current Conditions

*Reviewed the current pay system for certified **Fire** employees:*

- Open-range design
- Pay range spreads between 51% and 61%
- Plan has 9 total grades

Analyzed the distribution of employees' salaries by quartile:

- Employees' salaries were clustered in the 1st quartile

1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
58.0%	11.6%	5.8%	24.6%

Midpoint

Evergreen Solutions, LLC

Compensation

Conducted public sector salary survey; collected salary range data from 26 peers:

Market Peers
Broward County, FL Sheriff's Office
City of Coconut Creek, FL
City of Coral Springs, FL
Town of Davie, FL
City of Ft. Lauderdale, FL
City of Hollywood, FL Police Dept
City of Plantation, FL
City of Pompano Beach, FL
City of Sunrise, FL
*City of Coral Gables, FL
City of Miami Beach, FL
Miami-Dade Couty, FL Fire Rescue
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
City of Greenacres, FL
Town of Jupiter, FL
*City of Lake Worth, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
Village of Wellington, FL
City of West Palm Beach, FL
Palm Beach County, FL
Palm Beach County, FL Fire Rescue
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

* indicates data was not collected from peer

Evergreen Solutions, LLC

Compensation (cont.)

Collected public sector salary range data for 10 ***Fire*** *classifications;* ***compared at market 75th percentile****:*

Benchmark Classifications	Differential at the Range Minimum	Differential at the Range Midpoint	Differential at the Range Maximum
Overall Average	-5.4%	-0.1%	+3.6%

Midpoint is typically considered "market" as employees receiving pay at this point should be proficient and satisfactorily performing the duties of their classification.

* *Results do not indicate that all benchmarks (classifications) were ahead or behind.*

Evergreen Solutions, LLC

Compensation (cont.)

Compensation Related – Fire

Compensation Topic	Market Position	Rationale
Overtime Threshold	**LAG**	Town uses 212 hours in pay cycle and 2,620.8 annual hours (see Annual Hours table for market).
Additional Allowances	**COMPETITIVE**	Cell phone, car, clothing, and shoe allowances all offered at both Town and majority of peers. Amounts vary.
Pay Plan Type	-	Town has open-range. 75% of market uses step-based plan.

Annual Hours Survey Comparison – Fire

Classification	Peer Frequency · 2080 Annual Hours	Peer Frequency · 2184 Annual Hours	Peer Frequency · 2340 Annual Hours	Peer Frequency · 2496 Annual Hours	Town Annual Hours Worked
ASSISTANT FIRE-RESCUE CHIEF	14	0	0	0	2,080
BATTALION CHIEF	2	1	0	7	2,496
DIVISION CHIEF - EMS COORDINATOR	7	1	0	1	2,080
DIVISION CHIEF - TRNG & SAFETY	7	1	0	2	2,080
FIREFIGHTER DRIVER/ENGINEER EMT	0	1	0	6	2,620.8
FIREFIGHTER DRIVER/ENGINEER PARAMEDIC	0	1	0	8	2,620.8
FIREFIGHTER EMT	0	1	0	7	2,620.8
FIREFIGHTER PARAMEDIC	0	1	1	8	2,620.8
FIRE-RESCUE CHIEF	13	0	0	0	2,080
LIEUTENANT PARAMEDIC	0	1	1	11	2,620.8

Proposed Pay Plan

Fire

- Step-Based
- Pay Grades
  - Current: 9
  - Proposed: 9
- Range spreads:
  - Current: 51-61%
  - Proposed: 36-56%

Salary

Grade/Step	1	2	3	4	5	6	7	8	9	10
F1	$ 54,690.00	$ 57,233.09	$ 59,894.42	$ 62,679.51	$ 65,594.11	$ 68,644.24	$ 71,891.11	$ 75,291.56	$ 78,852.85	$ 82,582.59
F2	$ 61,476.00	$ 64,334.63	$ 67,326.19	$ 70,456.86	$ 73,733.11	$ 77,161.70	$ 80,811.44	$ 84,633.83	$ 88,637.01	$ 92,829.54
F3	$ 62,370.00	$ 65,270.21	$ 68,305.27	$ 71,481.46	$ 74,805.35	$ 78,283.80	$ 81,986.63	$ 85,864.59	$ 89,925.99	$ 94,179.49
F4	$ 66,050.00	$ 69,121.33	$ 72,335.47	$ 75,699.07	$ 79,219.07	$ 82,902.76	$ 86,824.06	$ 90,930.84	$ 95,231.87	$ 99,736.33
F5	$ 74,290.00	$ 78,056.50	$ 82,013.97	$ 86,172.08	$ 90,541.00	$ 95,131.43	$ 99,945.08	$105,002.30	$110,315.42	$115,897.38
F6	$ 92,588.00	$ 96,735.94	$101,069.71	$105,597.64	$110,328.41	$115,271.12	$120,573.59	$126,119.98	$131,921.50	$137,989.89
F7	$102,149.00	$105,591.42	$109,149.85	$112,828.20	$116,630.51	$120,560.96	$124,913.21	$129,422.58	$134,094.73	$138,935.55
F8	$110,211.00	$115,523.17	$121,091.39	$126,927.99	$133,045.92	$139,458.73	$146,250.37	$153,372.77	$160,842.02	$168,675.03
F9	$122,011.00	$127,477.09	$133,188.07	$139,154.89	$145,389.03	$151,902.46	$158,889.97	$166,198.91	$173,844.06	$181,840.89

- Individually assigned a pay grade for each classification in both plans based on both internal and external equity analysis/review.

Evergreen Solutions, LLC

Proposed Pay Plan (cont.)

Fire

- Step-Based
- Pay Grades
  - Current: 9
  - Proposed: 9
- Range spreads:
  - Current: 51-61%
  - Proposed: 36-56%

Hourly

Grade/Step	1	2	3	4	5	6	7	8	9	10
F1	$ 21.9111	$ 22.9299	$ 23.9962	$ 25.1120	$ 26.2797	$ 27.5017	$ 28.8025	$ 30.1649	$ 31.5917	$ 33.0860
F2	$ 24.6298	$ 25.7751	$ 26.9736	$ 28.2279	$ 29.5405	$ 30.9141	$ 32.3764	$ 33.9078	$ 35.5116	$ 37.1913
F3	$ 24.9880	$ 26.1499	$ 27.3659	$ 28.6384	$ 29.9701	$ 31.3637	$ 32.8472	$ 34.4009	$ 36.0280	$ 37.7322
F4	$ 26.4623	$ 27.6928	$ 28.9806	$ 30.3282	$ 31.7384	$ 33.2142	$ 34.7853	$ 36.4306	$ 38.1538	$ 39.9585
F5	$ 29.7636	$ 31.2726	$ 32.8582	$ 34.5241	$ 36.2744	$ 38.1136	$ 40.0421	$ 42.0682	$ 44.1969	$ 46.4332
F6	$ 37.0946	$ 38.7564	$ 40.4927	$ 42.3067	$ 44.2021	$ 46.1823	$ 48.3067	$ 50.5288	$ 52.8532	$ 55.2844
F7	$ 49.1101	$ 50.7651	$ 52.4759	$ 54.2443	$ 56.0724	$ 57.9620	$ 60.0544	$ 62.2224	$ 64.4686	$ 66.7959
F8	$ 52.9861	$ 55.5400	$ 58.2170	$ 61.0231	$ 63.9644	$ 67.0475	$ 70.3127	$ 73.7369	$ 77.3279	$ 81.0938
F9	$ 58.6591	$ 61.2871	$ 64.0327	$ 66.9014	$ 69.8986	$ 73.0300	$ 76.3894	$ 79.9033	$ 83.5789	$ 87.4235

- Individually assigned a pay grade for each classification in both plans based on both internal and external equity analysis/review.

Evergreen Solutions, LLC

Implementation Options

Bring to New Minimums

A calculation is performed so that each employee's salary is adjusted to the minimum of their classification's proposed pay grade. If his/her salary is already within the proposed pay range, no adjustment is made.

Fire

- Total Implementation Cost: **$10**
- # Fire employees who would receive adjustments: **9**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Closest Step in New Pay Plan

Each employee is brought up to the closest step in the revised step plan based on his/her current salary. This option only applies to Police and Fire employees. The cost estimates below do NOT include the Bring to New Minimums cost.

Fire

- Total Implementation Cost: **$113,721**
- # Fire employees who would receive adjustments: **67**

* *Cost estimates are salary only and do not include the cost of benefits.*

Evergreen Solutions, LLC

Implementation Options

Current Range Penetration

A calculation is performed to determine the percentage through the current range an employee's salary falls. The employee's recommended salary calculation will place him/her at the same percentage through the proposed range. For example, if an individual is at the midpoint (50%) of the current range, he/she is brought to the midpoint of (50%) the recommended range. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Fire

- Total Implementation Cost: **$364,882**
- # Fire employees who would receive adjustments: **66**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Current Range Penetration – Capped at Midpoint

A calculation is performed to determine the relative position of an employee's salary in the current pay range. The employee's recommended salary calculation is based on the employee's new salary being placed at the same relative position in the proposed range. For example, if an employee's salary is 40% into the current pay range, the proposed salary is placed at 40% into the recommended pay range. This places an employee's salary in the new range based on the relative position in the current range, yet does not place any salary beyond new midpoints unless the salary is already above that point, as no employee salary is reduced. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Fire

- Total Implementation Cost: **$250,204**
- # Fire employees who would receive adjustments: **49**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Move Toward Midpoint (Market) - 3 Tier

Employees with at least 1 year and less than 3 years in their classification are moved closer toward the midpoint of proposed pay range; employees with between 3 and 7 years are moved even closer toward the midpoint; and employees with more than 7 years are moved yet even closer toward the midpoint of proposed pay range. Increments are designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more experience in their classification. Employees' salaries at or above the new midpoints are unaffected. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Fire

- Total Implementation Cost: **$461,220**
- # Fire employees who would receive adjustments: **67**

* *Cost estimates are salary only and do not include the cost of benefits.*

Implementation Options

Move Toward Midpoint (Market) - 2 Tier

Employees with at least 1 year and less than 10 years of total tenure are moved closer toward the midpoint of proposed pay range; and employees with more than 10 years are moved even closer toward the midpoint of proposed pay range. Increments are designed to give larger adjustments (in percentage terms) to those with salaries furthest from the midpoint and to provide greater adjustments to those employees with more experience in their classification. Employees' salaries at or above the new midpoints are unaffected. For Police and Fire employees, salaries are then brought up to the nearest step-salary. The cost estimates below do NOT include the Bring to New Minimums cost.

Fire

- Total Implementation Cost: **$484,572**
- # Fire employees who would receive adjustments: **67**

Evergreen Solutions, LLC

* *Cost estimates are salary only and do not include the cost of benefits.*

Benefits

Conducted a benefits survey; collected data from 14 peers:

Respondents
Broward County, FL Sheriff's Office
City of Ft. Lauderdale, FL
City of Pompano Beach, FL
City of Boca Raton, FL
City of Boynton Beach, FL
City of Delray Beach, FL
Town of Jupiter, FL
Village of North Palm Beach, FL
City of Palm Beach Gardens, FL
Village of Royal Palm Beach, FL
Village of Tequesta, FL
City of West Palm Beach, FL
Palm Beach County, FL Sheriff's Office
Solid Waste Authority

Benefits (cont.)

Benefits Comparison – Fire

Benefit Offered	Market Position	Rationale
Health Insurance	**COMPETITIVE**	Employer single coverage provided found as higher by 4.5% on average depending on health plan. Family coverage is on average 6.9% lower than market.
Dental Plans	**LEAD**	Employer single coverage provided found as higher by 37.3% on average (Town uses DPPO while 67.6% market uses DHMO). Lower for family coverage by 0.8%.
Retirement/Pension	**LAG**	Multiplier at 2.75 compared to 2.98 with market. Vesting period matches market at 10 years. COLA not provided during retirement (83.3% market).
Sick Leave	**LEAD**	Max hours accrued at 1,040 hours compared to market average 836 hours. However, 60% market allows use immediately, not after 6 months.
Vacation Leave	**LEAD**	Hours accrued leads by average 69.5 hours/year. Town provides 352 hours/year (15+) vs. 162 hours/year with market.
Paid Holidays	**LAG**	Town does not offer paid holidays to Fire. Shift employees work holidays and receive higher accrual vacation leave rate.

Discussion

- Questions?

Evergreen Solutions, LLC

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town Marina Project Update.

Presenter

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

ATTACHMENTS:

- **Memorandum dated March 6, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Summary of Weekly Work**
- **Schedule As of 2/25/2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Town Marina Project Update

DATE: March 6, 2019

STAFF RECOMMENDATION

Gordon Thomson with Baird and Associates will be presenting a status report regarding engineering and design for the Town Marina Project at the March 2019 Town Council Meeting.

GENERAL INFORMATION

Town staff has been fully engaged with the project consultant (Baird and Associates and Edgewater Resources) for this project and are presenting updates to the Mayor and Town Council on a monthly basis. The project is in the permitting and design development/data collection phase, therefore, no approvals are required at this time, and the presentation is for informational purposes only. Specific milestones and important issues to be presented include the following:

- Permit Application – The permit applications for the project have been submitted to Florida Department of Environmental Protection (FDEP) and to the U.S. Army Corps of Engineers (ACOE). Those submissions reflected the revisions discussed previously (to revise the layout consistent with required 100' setback from ICW, and to raise the bulkhead cap elevation to 5.3' NAVD).

- ARCOM Review – The project was presented to ARCOM on February 27, and there were comments received regarding architectural enhancements and revisions desired. ARCOM voted to approve the demolition only, and to defer the approval of the proposed new work until its next meeting (March 27). The design consultant is working with Town staff to revise the plans to reflect the consensus of those comments received. The architectural consultant (REG) will present to the Town Council a preview of the ARCOM re-submission.

- FPL Cable Conflict – The input received from FPLconfirms that their cable crossing exists in the vicinity of the proposed Palm Way Dock, but they do not have sufficient as-built information available and cannot verify the depth of the cable in this location. FPL's recommendation is that relocation of the cable crossing to avoid the conflict is the best option. This will involve additional time, effort and cost to accomplish that relocation.

- Solicitation (RFQ) for Dock Manufacturers – Based upon the procurement approach discussed previously, the Town staff has issued a solicitation to dock manufacturers for the purpose of reviewing and pre-qualifying dock systems and manufacturers. The due date for those RFQ proposals is April 2 and a selection committee will meet to review those proposals and rate/rank them. The selection committee recommendation will be brought to the Town Council for their approval at their May meeting.

- 30% Design Presentation – The design consultant presented an overview of the 30% design to Town staff. Major elements reviewed included the pile size and material (24" steel pipe pile) and options for optimizing the bulkhead (cantilevered or batter pile) and use of a revetment at the toe of the bulkhead. Piles are anticipated to be installed to a top elevation of 11.0' NAVD for storm surge and sea level rise, and are planned to be sleeved for durability, maintenance and aesthetic reasons. Preliminary electrical power requirements were reviewed. The dock surface was also discussed in some detail, with various alternatives to be pursued to provide durable, low-maintenance deck that is also attractive and aesthetically pleasing.

- Geotechnical Report – The geotechnical investigations and sampling/testing have been completed and the final report from the consultant has been prepared. That includes the soil/rock borings, sediment and contaminant characterization, lateral load tests and rock probings. Some of the samples collected indicated the presence of arsenic (slightly above the residential criteria and below the commercial criteria), which is not uncommon based on geology in the region.

Any recommendations for approval will be presented at subsequent Town Council meetings. The recent weekly updates are attached to this memo for your information.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Dean Mealy, Purchasing Manager
Jane Le Clainche, Director of Finance

Summary of Weekly Work Completed for the Town Marina Project
Prepared and submitted via email weekly to the Town by
Gordon Thompson at Baird and Associates

January 28 –February 1

- A thorough revision of the schedule was developed based on a revised procurement approach.
- Bi-weekly project team meeting was held. This included a meeting with Town Purchasing to determine the preferred procurement approach.
- Baird submitted a memo discussing timeline and procurement approach options.
- The document pre-qualification document was drafted but not yet submitted pending discussions during Friday's bi-weekly meeting.
- The FPL cable crossing coordinates were plotted and submitted for review.
- Contaminant test results were reviewed.
- Draft geotechnical report was reviewed and returned to Ardaman.

Week of February 4-8

- A conference call was held with the Mayor, the Town's lobbyist and Town staff to discuss the USACE's consideration of the 100' offset from the ICW. The Town directed Baird to develop alternatives that followed the 100' offset guidance and determine the impact to projected revenue. Baird developed 4 alternatives for the Town's consideration.
- A draft of the presentation to Town Council was developed and submitted to Town staff.
- The procurement approach memo was revised to reflect our meeting with Town staff on 2/1/19 and finalize the procurement approach.
- The dock pre-qualification package was finalized and submitted to the Town for review.
- Detailing around the Peruvian approach to the dock and integration with the building was developed between REG, Edgewater and Baird.
- FPL submitted another drawing of their cables in the area. This was reviewed and comments provided to the Town as further clarifications are needed from FPL. The drawing suggests that another cable may cross the Lake Worth Lagoon.
- Contaminant test results and associated interpretation were submitted to the Town. Some contaminant test results are outstanding.
- Draft geotechnical report was reviewed and returned to Ardaman.

Week of February 11-15

- A project update was presented to Town Council.
- Permit sketches were revised based on the Town Council's selection of concept 3.
- The final geotechnical report was submitted.
- A conference call was held with RGD to better detail and optimize electrical needs ahead of the 30% design meeting.
- Internal Baird team conference calls were held to discuss the piling design and bulkhead design.
- Return period analysis for storm surge was completed. Comparison with WHG's analysis is outstanding.
- Additional contaminant test results were submitted and reviewed. Testing for cyanide is outstanding.
- Revised ARCOM application package was submitted.
- Obtained deck samples.

Summary of Weekly Work Completed for the Town Marina Project
Prepared and submitted via email weekly to the Town by
Gordon Thompson at Baird and Associates

Week of February 18-22

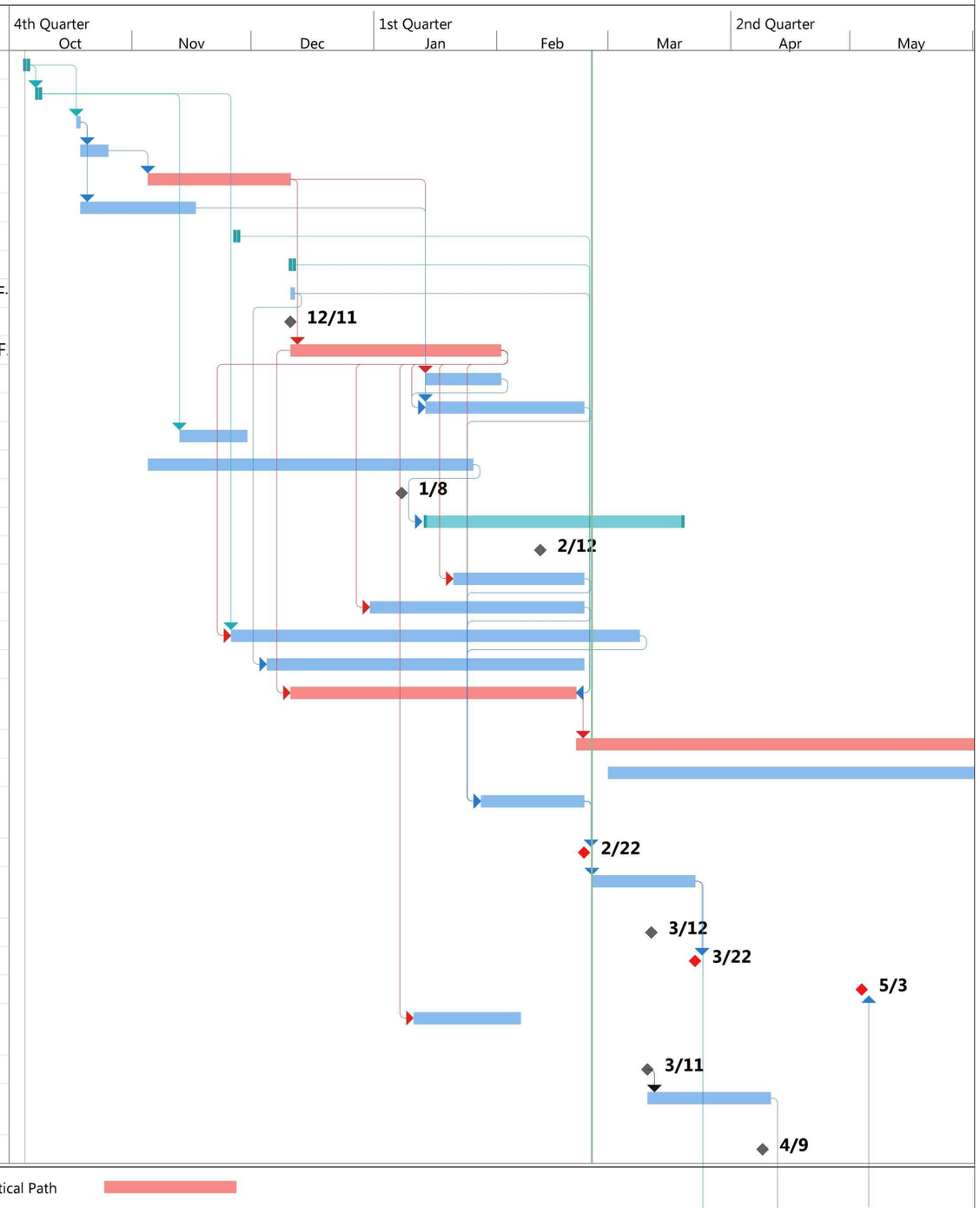
- Finalized data and analyses for the 30% design meeting. This included the 30% opinion of probable construction cost.
- Permit sketches were revised based on the Town Council's selection of concept 3. Provided values to Edgewater in support of permit application.
- Baird and WHG corresponded regarding WHG vulnerability analysis and proposed bulkhead elevation.
- Obtained additional deck samples.

Week of February 25- March 1

- The building platform and gangway interaction design at the Peruvian Dock was reformulated to facilitate a gate around the building.
- Minutes from the 30% design meeting were developed.
- Finalizing 30% design drawings.
- The proposed dock procurement package was reviewed with comments and support documentation provided.
- Pile cap elevation was researched and finalized.
- Bulkhead design revised per the 30% design meeting comments.
- Conference call to discuss permitting approach with Mayor.
- Cyanide test was completed.

TOWN OF PALM BEACH DOCKS REHABILITATION PROJECT

ID	Task Name	Duration	Start	Finish	Predecessors	Successors
1	Notice to Proceed	1 day	Fri 10/5/18	Fri 10/5/18		3FS+8 days,2
2	Local Marina Tour	1 day	Mon 10/8/18	Mon 10/8/18	1	14FS+25 days,21
3	10% Design Meeting	1 day	Thu 10/18/18	Thu 10/18/18	1FS+8 days	4,6
4	Geotechnical de Minimis Permit Application	5 days	Fri 10/19/18	Thu 10/25/18	3	5
5	Geotechnical de Minimis Permit Processing	26 days	Mon 11/5/18	Mon 12/10/18	4	11,12FS+8 days
6	Upland Geotechnical Field Work	21 days	Fri 10/19/18	Fri 11/16/18	3	13FS-11 days
7	Pre-Application Meeting with FDEP	1 day	Tue 11/27/18	Tue 11/27/18		23FF+5 days
8	Pre-Application Meeting with USACE	1 day	Tue 12/11/18	Tue 12/11/18		23FF+5 days
9	Meeting with PBC Derm	1 day	Tue 12/11/18	Tue 12/11/18		22FS-5 days,23FF
10	Town Council Meeting	0 days	Tue 12/11/18	Tue 12/11/18		
11	Water Based Geotechnical Field Work	39 days	Tue 12/11/18	Fri 2/1/19	5	19FS-10 days,20F
12	Lateral & Bearing Load Tests	15 days	Mon 1/14/19	Fri 2/1/19	5FS+8 days	13FS-25 days
13	Preliminary Bulkhead Design	30 days	Mon 1/14/19	Fri 2/22/19	6FS-11 days,12F	26FS-30 days
14	Topographic Survey	13 days	Tue 11/13/18	Thu 11/29/18	2FS+25 days	
15	ARCOM Permit Application Development	60 days	Mon 11/5/18	Fri 1/25/19		17
16	Town Council Meeting	0 days	Tue 1/8/19	Tue 1/8/19		
17	ARCOM Application Processing	47 days	Mon 1/14/19	Tue 3/19/19	15	
18	Town Council Meeting	0 days	Tue 2/12/19	Tue 2/12/19		
19	Pile & Pad Design	25 days	Mon 1/21/19	Fri 2/22/19	11FS-10 days	26FS-45 days
20	Dredging Design	40 days	Mon 12/31/18	Fri 2/22/19	11FS-25 days	26FS-35 days
21	Dock Performance Specification	75 days	Mon 11/26/18	Fri 3/8/19	2,11FS-50 days	26FS-30 days
22	Demolition & Disposal Design	58 days	Wed 12/5/18	Fri 2/22/19	9FS-5 days	
23	FDEP and USACE Permit Application Development	52 days	Tue 12/11/18	Wed 2/20/19	11SS,7FF+5 days,8FF+5	24
24	FDEP and USACE Permit Processing	202 days	Thu 2/21/19	Fri 11/29/19	23	58,59
25	FPL Cable Relocation Permitting	250 days	Fri 3/1/19	Thu 2/13/20		97
26	30% Design - Compile Design & Construction Cost Estimate	20 days	Mon 1/28/19	Fri 2/22/19	11FS-30 days,13FS-30	28,27
27	30% Design	0 days	Fri 2/22/19	Fri 2/22/19	26	
28	60% Design - Compile & Construction Cost Estimate	20 days	Mon 2/25/19	Fri 3/22/19	26	41,30
29	Town Council Meeting	0 days	Tue 3/12/19	Tue 3/12/19		
30	60% Plans	0 days	Fri 3/22/19	Fri 3/22/19	28	
31	100% Plans	0 days	Fri 5/3/19	Fri 5/3/19	41	
32	Dock Manufacturer - Pre-Qualification Package Development	19 days	Fri 1/11/19	Wed 2/6/19	11FS-16 days	
33	Dock Manufacturer - RFQ Issued	0 days	Mon 3/11/19	Mon 3/11/19		34
34	Dock Manufacturers Submit Initial Response	23 days	Mon 3/11/19	Wed 4/10/19	33	36
35	Town Council Meeting	0 days	Tue 4/9/19	Tue 4/9/19		

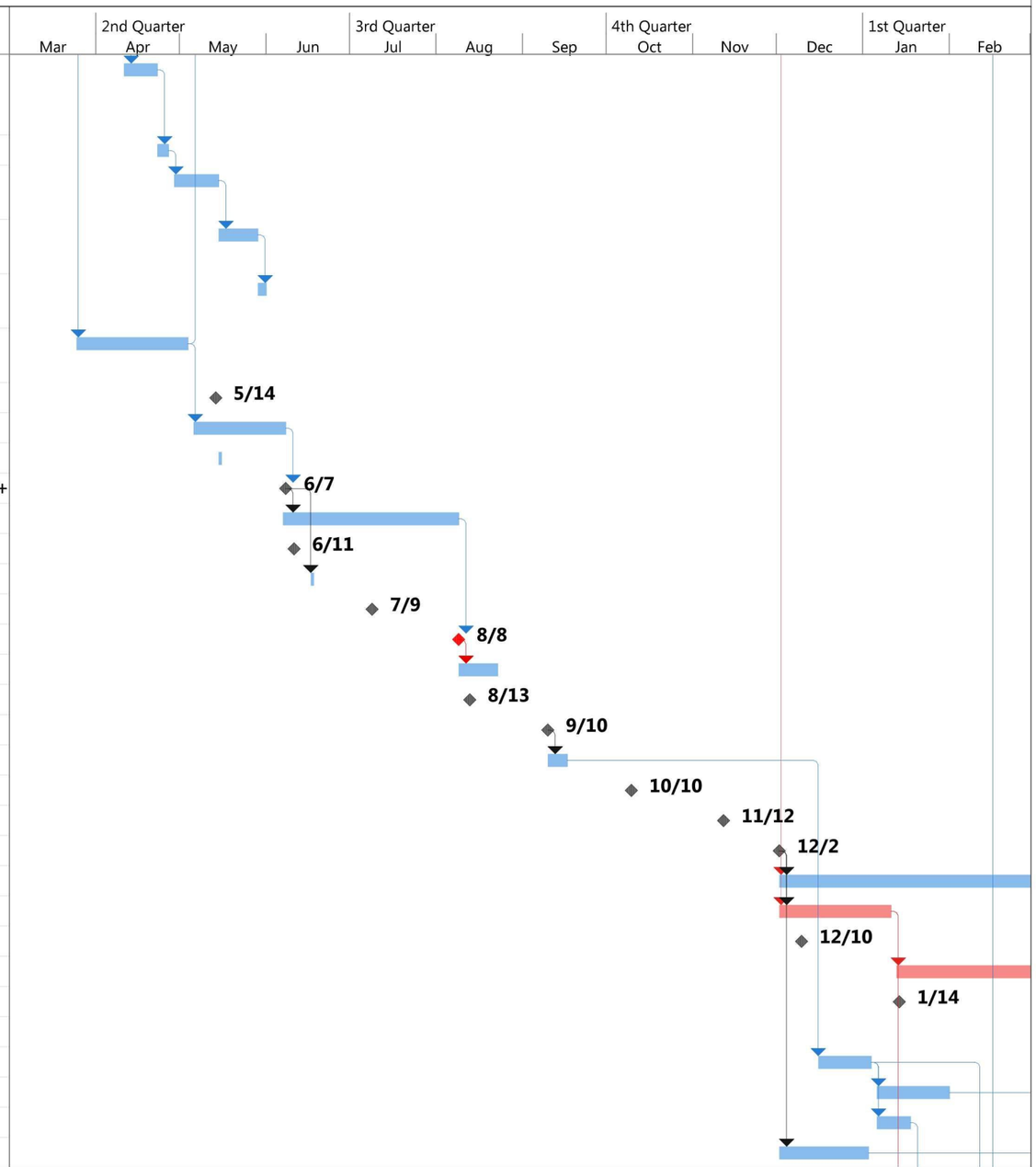


Project: 12717#9 - 2-4-19
Date: Mon 2/25/19

Task | Project Summary | Permit Processing | Critical Path

TOWN OF PALM BEACH DOCKS REHABILITATION PROJECT

ID	Task Name	Duration	Start	Finish	Predecessors	Successors
36	Dock Manufacturer - Review Submittal & Issue Technical Documents to Shortlisted Companies	8 days	Thu 4/11/19	Mon 4/22/19	34	37
37	Dock Manufacturer - Interviews	4 days	Tue 4/23/19	Fri 4/26/19	36	38
38	Dock Manufacturer - Submit Technical Proposal	12 days	Mon 4/29/19	Tue 5/14/19	37	39
39	Dock Manufacturer - Revisions with Town and Final Acceptance	10 days	Wed 5/15/19	Tue 5/28/19	38	40
40	Dock Manufacturer - Town Issues List of Pre-qualified Manufacturers	3 days	Wed 5/29/19	Fri 5/31/19	39	
41	Contractor - Develop 90% Procurement Package	30 days	Mon 3/25/19	Fri 5/3/19	28	31,43
42	Town Council Meeting	0 days	Tue 5/14/19	Tue 5/14/19		
43	Contractor - Bid Package Development	25 days	Mon 5/6/19	Fri 6/7/19	41	45
44	Contractor - Pre-RFP Meeting	1 day	Wed 5/15/19	Wed 5/15/19		
45	Contractor - RFP Issued	0 days	Fri 6/7/19	Fri 6/7/19	43	46FS-1 day,48FS+
46	Contractor - Advertisement Period	45 days	Fri 6/7/19	Thu 8/8/19	45FS-1 day	50
47	Town Council Meeting	0 days	Tue 6/11/19	Tue 6/11/19		
48	Contractor - Pre-Bid Meeting	1 day	Mon 6/17/19	Mon 6/17/19	45FS+5 days	
49	Town Council Meeting	0 days	Tue 7/9/19	Tue 7/9/19		
50	Contractor - Bid Opening	0 days	Thu 8/8/19	Thu 8/8/19	46	51
51	Contractor - Bid Review & Recommendation	10 days	Fri 8/9/19	Thu 8/22/19	50	
52	Town Council Meeting	0 days	Tue 8/13/19	Tue 8/13/19		
53	Town Council Meeting	0 days	Tue 9/10/19	Tue 9/10/19		54
54	Contractor - Award & Partial NTP	5 days	Tue 9/10/19	Mon 9/16/19	53	64
55	Town Council Meeting	0 days	Thu 10/10/19	Thu 10/10/19		
56	Town Council Meeting	0 days	Tue 11/12/19	Tue 11/12/19		
57	Earliest Construction Start Date	0 days	Mon 12/2/19	Mon 12/2/19		67,58,59
58	Install bulkhead	200 days	Mon 12/2/19	Fri 9/4/20	24,57	
59	Demolish Brazilian Dock	30 days	Mon 12/2/19	Fri 1/10/20	24,57	70,61
60	Town Council Meeting	0 days	Tue 12/10/19	Tue 12/10/19		
61	Demolish Australian Dock	60 days	Mon 1/13/20	Fri 4/3/20	59	63,73
62	Town Council Meeting	0 days	Tue 1/14/20	Tue 1/14/20		
63	Demolish Peruvian Dock	35 days	Mon 4/6/20	Fri 5/22/20	61	75
64	Demolish Brazilian Office	15 days	Mon 12/16/19	Fri 1/3/20	54	82,66,65
65	Demolish Australian Office	20 days	Mon 1/6/20	Fri 1/31/20	64	83
66	Demolish Peruvian Building	10 days	Mon 1/6/20	Fri 1/17/20	64	84
67	Dredge Brazilian to Australian Fairway	24 days	Mon 12/2/19	Thu 1/2/20	57	77

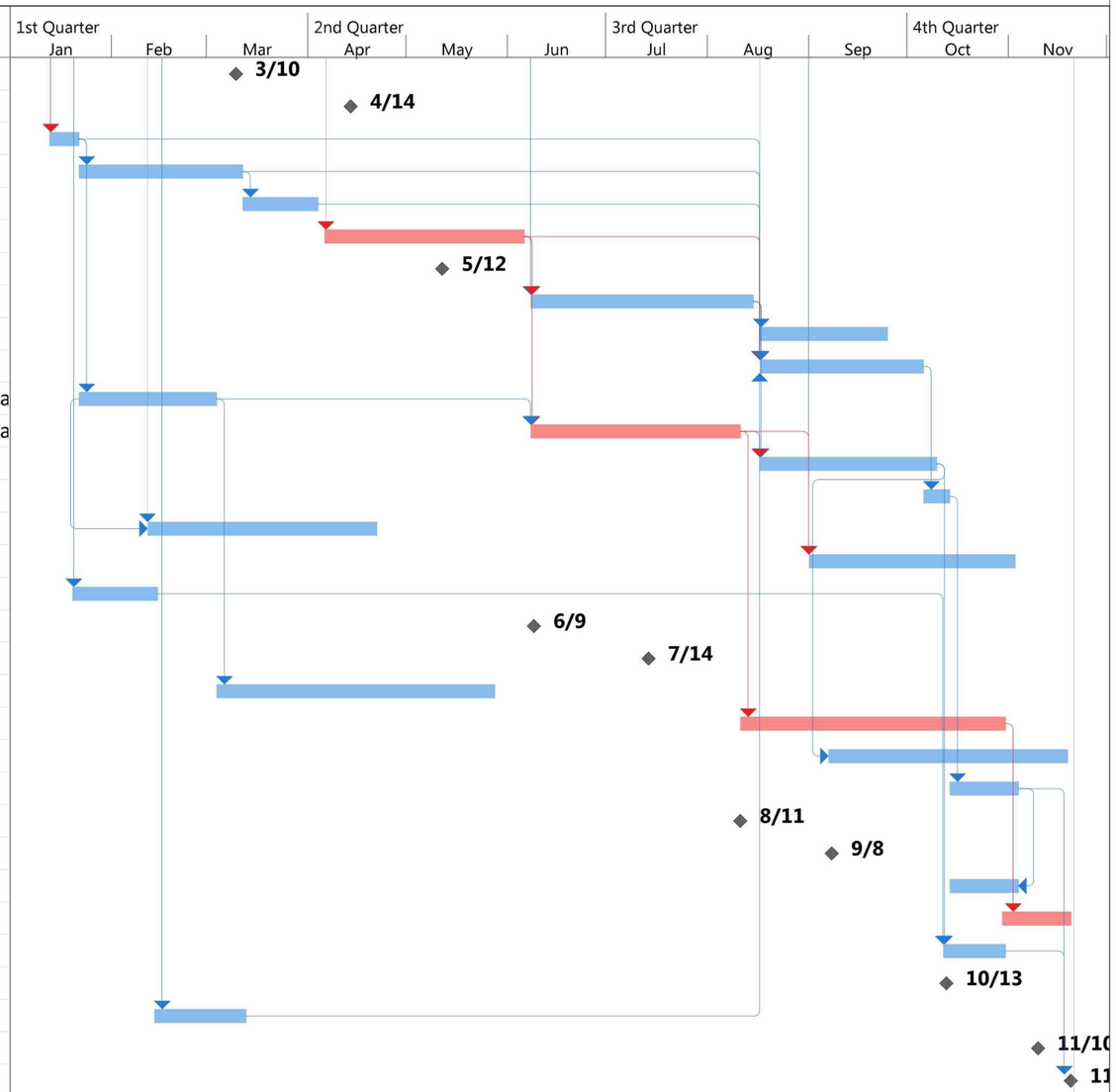


Project: 12717#9 - 2-4-19
Date: Mon 2/25/19

Task | Project Summary | Permit Processing | Critical Path

TOWN OF PALM BEACH DOCKS REHABILITATION PROJECT

ID	Task Name	Duration	Start	Finish	Predecessors	Successors
68	Town Council Meeting	0 days	Tue 3/10/20	Tue 3/10/20		
69	Town Council Meeting	0 days	Tue 4/14/20	Tue 4/14/20		
70	Dredge Brazilian Dock	7 days	Mon 1/13/20	Tue 1/21/20	59	78,71,77
71	Dredge Aus to Peru Fairway	36 days	Wed 1/22/20	Wed 3/11/20	70	72,77
72	Dredge South of Peruvian Dock	17 days	Thu 3/12/20	Fri 4/3/20	71	77
73	Dredge Australian Dock	45 days	Mon 4/6/20	Fri 6/5/20	61	75,79,77
74	Town Council Meeting	0 days	Tue 5/12/20	Tue 5/12/20		
75	Dredge Peruvian Dock	50 days	Mon 6/8/20	Fri 8/14/20	73,63	80,77,76
76	Dredge South of Peruvian (Part 2)	29 days	Mon 8/17/20	Thu 9/24/20	75	
77	Dredge Palm Way Dock	36 days	Mon 8/17/20	Mon 10/5/20	67,70,73,71,75,7	81
78	Install Brazilian Dock	30 days	Wed 1/22/20	Tue 3/3/20	70	87,79,82SS+15 da
79	Install Australian Dock	46 days	Mon 6/8/20	Mon 8/10/20	78,73	88,80,83FS+15 da
80	Install Peruvian Dock	40 days	Mon 8/17/20	Fri 10/9/20	75,79	89FS-25 days,95
81	Install Palm Way Dock	6 days	Tue 10/6/20	Tue 10/13/20	77	90
82	Install Brazilian Office	50 days	Wed 2/12/20	Tue 4/21/20	64,78SS+15 days	
83	Install Australian Office	45 days	Tue 9/1/20	Mon 11/2/20	65,79FS+15 days	
84	Install Peruvian Building	20 days	Mon 1/20/20	Fri 2/14/20	66	95
85	Town Council Meeting	0 days	Tue 6/9/20	Tue 6/9/20		
86	Town Council Meeting	0 days	Tue 7/14/20	Tue 7/14/20		
87	Install Brazilian Utilities	61 days	Wed 3/4/20	Wed 5/27/20	78	
88	Install Australian Utilities	59 days	Tue 8/11/20	Fri 10/30/20	79	94FS-1 day
89	Install Peruvian Utilities	53 days	Mon 9/7/20	Wed 11/18/20	80FS-25 days	
90	Install Palm Way Utilities	15 days	Wed 10/14/20	Tue 11/3/20	81	99,93FF
91	Town Council Meeting	0 days	Tue 8/11/20	Tue 8/11/20		
92	Town Council Meeting	0 days	Tue 9/8/20	Tue 9/8/20		
93	Repave Brazilian Parking Lot	15 days	Wed 10/14/20	Tue 11/3/20	90FF	
94	Repave Australian Parking Lot	15 days	Fri 10/30/20	Thu 11/19/20	88FS-1 day	
95	Repave Peruvian Parking Lot	15 days	Mon 10/12/20	Fri 10/30/20	84,80	99
96	Town Council Meeting	0 days	Tue 10/13/20	Tue 10/13/20		
97	FPL Cable Relocation Field Work	20 days	Fri 2/14/20	Thu 3/12/20	25	77
98	Town Council Meeting	0 days	Tue 11/10/20	Tue 11/10/20		
99	Project Completion	0 days	Fri 11/20/20	Fri 11/20/20	90,95	



Project: 12717#9 - 2-4-19
Date: Mon 2/25/19

Task | Project Summary | Permit Processing | Critical Path

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Town-wide Undergrounding Project:

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

Presenter
Steve Stern, Project Manager

ATTACHMENTS:

- **Project Status Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: **Steven Stern, Underground Utilities Project Manager**

Re: Utility Undergrounding Project Status Report

Date: March 8, 2019

I. Communications

Recent Events:

- Cup of Joe with Bo & Town Staff, Friday March 1, 2019.
  Location: South Fire Station.
  - Next Meeting: Friday April 5, 2019

- Coffee with the Crew & Town Staff, Monday March 4, 2019.
  Location: Palmo Way – Near the Pump Station
  - Next Meeting: Monday April 1, 2019

- Significant Mailings:
  Notice to Residents of Upcoming FPL Meter Locates – Phase 5 North & South

II. Progress Summary:

Construction progress:

Phase 1 North Construction:

- FPL subscriber conversions are in progress, 45% complete as of March 6.
- ATT & Comcast wire pulls nearly complete, subscriber cutovers are pending - expected in April.
- Final pole removal, expected start May 2019.

Phase 1 South Construction:

- FPL punch list of 24 issues is 100% complete.
  - Most condominium boards and property managers were helpful and accommodating.
- FPL switching orders are pending for primary activation and burn in.
- Subscriber conversions will follow, expected to begin in April.
- ATT & Comcast activities pending completion, subscriber cutovers expected in April (Ibis Isle).
- Final pole removal, expected start July 2019.

Phase 2 North Construction:

- Horizontal directional drilling compete on N Ocean Way and N Ocean Blvd. The side streets are now in progress.

Phase 3 North Construction:

- Pre-Construction Services in progress with Burkhardt Construction.

Phase 2-3 South Construction:

- New CMAR, Kaufman Lynn kickoff meeting held Feb 22. Pre-Construction Services in progress.

Design & Easement Progress:

Phase 2:

- Phase 2 North Design is 99% complete
- Phase 2 South Design is 97% complete

Easement Status:

- Phase 2 North: 100% of easements approved
- Phase 2 South: 76% of easements approved

Phase 3:

- Phase 3 North Design is 71% complete
- Phase 3 South Design is 54% complete
  Phase 3 design remains behind schedule due to delays in Comcast design delivery.

Easement Status:

- Phase 3 North: 17% of easements approved
- Phase 3 South: 7% of easements approved
  Phase 3 easement acquisition is progressing slower than expected.

Phase 4:

- Phase 4 North Design is 27% complete
- Phase 4 South Design is 24% complete
  Easement Status: Not Started

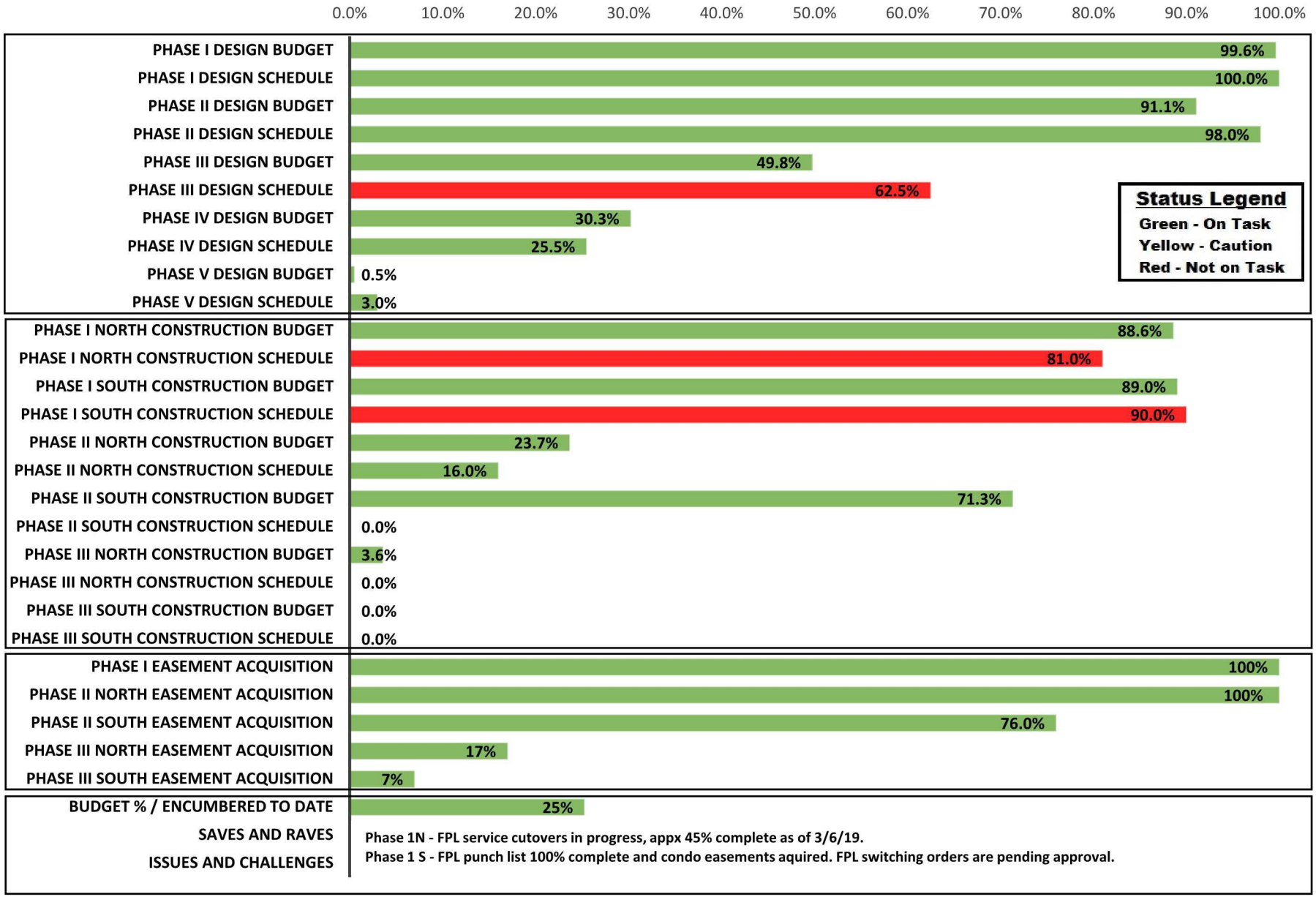
Phase 5:

- Phase 5 North Design is 3% complete
- Phase 5 South Design is 3% complete
  Easement Status: Not Started

III. Phase 2 North – Chicane/ Street Choker – Status Summary:

1. Esplanade Way: Recorded
2. Angler Ave: Recorded
3. Seagate Road: Verbal
4. Ocean Terrace: Recorded (1 of 2)
5. Reef Road: Recorded (2 of 2)
6. Dolphin Road: Recorded

Town of Palm Beach - Underground Utility Project Dashboard - March '19



Underground Utility Task Force
Monthly Progress Report
March 2019

Table of Contents

Dashboard – Phase 1 & 2 Construction and Phase 2, 3, 4, 5 Design

1. Kimley-Horn Progress Report Phase 2 - 5
2. Phase 2 - 5 Design Gantt Charts
3. Burkhardt Executive Project Summaries & Schedule – Phase 1N & 2N
4. Whiting Turner Executive Summary & Schedule – Phase 1S
5. Project Financial Report
6. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of $102 million.

Prepared by the TMO & Finance Departments
March 8, 2019

Kimley»Horn

Town-Wide Undergrounding - Phase 2 Design
KHA Project #044063202
February 2019 Progress Report
Period: January 26, 2018 to February 25, 2019

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below.
  - Phase 2 North Design is 99% complete
  - Phase 2 South Design is 97% complete
- Budget: Project is on budget as of February 15, 2018
  - Phase 2 North Design is at 93% of total task budget
  - Phase 2 South Design at 91% of total task budget
- Easement Status
  - Phase 2 North: 100% of easements approved
  - Phase 2 South: 76% of easements approved

B. Detailed Design Phase
- Subconsultant/utility owner coordination related to Phase 2 Design revisions and construction.
- Continued modification of construction plans based on easement acquisition process.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Respond to comments from FDOT Phase 2 South Landscape Permit application and resubmit to FDOT
- Continued resident meetings for easement acquisition in Phase 2 North and Phase 2 South.
- Attendance at Progress Meeting with Town and Utility Owners
- Prepare and submit legal sketches and descriptions for approved easements.
- UUTF Meeting attendance and Preparation

II. Upcoming Activities (February 26, 2018 – January 25, 2019)

A. Detailed Design Phase
- Continue resident meetings to discuss easements in Phase 2 North and Phase 2 South.
- Continued modification of construction plans based on easement acquisition process.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Coordinate with awarded CMAR for Phase 2 & 3 South bidding process
- Progress Meeting Attendance

Kimley»Horn

Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
February 2019 Progress Report
Period: January 26, 2018 to February 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
  - Phase 3 North Design is 71% complete *
  - Phase 3 South Design is 54% complete *
- Budget: Project is on budget as of February 15, 2019
  - Phase 3 North Design is at 45% of total task budget
  - Phase 3 South Design at 45% of total task budget
- Easement Status
  - Phase 3 North: 17% of easements approved
  - Phase 3 South: 7% of easements approved

  * Phase 3 is currently behind schedule. Due to hurricane impacts drawing resources to the panhandle, Comcast was unable to meet the schedule for their design.

B. Detailed Design Phase

- Continued Subconsultant/utility owner coordination related to Phase 3 Undergrounding.
- Continued Progress on development of Equipment Location and Conduit Plan for Phase 3 South.
- Field review of updated preliminary conduit/equipment locations with FPL staff in Phase 3 South.
- Review and comment on schematic design provided by Comcast for Phase 3 North and South.
- Submitted proposed design edits for Phase 3 South to FPL.
- Phase 3 Specification development.
- Coordination with Waypoint regarding commercial service sizing.
- Provided BCE markups and request to FPL for Phase 3 North
- Development of Landscape quantities for bid sets.
- Continued Equipment/Conduit Plan edits based on results of easement acquisition process.
- Progress Meeting Attendance.
- Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- Site meetings to discuss easement requests in Phase 3 North and South.

II. Upcoming Activities (February 26, 2019 – March 25, 2019)

A. Detailed Design Phase

- Submittal of balance of easement exhibits based on new equipment locations received from FPL – Phase 3 North and South
- Continued Easement meetings with property owners – Phases 3 North and South
- Coordination with CMAR for Phase 3 North and South pre-construction services
- Progress Meeting Attendance

Town-Wide Undergrounding - Phase 4 Undergrounding
KHA Project #044063219
February 2019 Progress Report
Period: January 26, 2018 to February 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
  - Phase 4 North Design is 27% complete
  - Phase 4 South Design is 24% complete
- Budget: Project is on budget as of January 15, 2019
  - Phase 4 North Design is at 21% of total task budget
  - Phase 4 South Design at 24% of total task budget
- Easement Status
  - Phase 4: N/A, will provide status when this work begins

B. Detailed Design Phase

- Development of Phase 4 Street Light Exhibits
- Subconsultant coordination related to Phase 4 Undergrounding
- Utility owner coordination related to Phase 4 Undergrounding
- Review of preliminary equipment location plans provided by FPL.
- Field review of preliminary FPL equipment locations for feasibility.
- Preliminary development of Equipment Location Plans for Phase 4 North and South.
- Progress Meeting

II. Upcoming Activities (February 26, 2018 – March 25, 2018)

A. Detailed Design Phase

- Continued Subconsultant/utility owner coordination related to Phase 4 Undergrounding
- Development of easement exhibits for Phases 4 North and South.
- Submittal of Preliminary Equipment Location Plans to Town
- Progress Meeting

Town-Wide Undergrounding - Phase 5 Undergrounding
KHA Project #044063229
February 2019 Progress Report
Period: January 26, 2019 to February 25, 2019

I. Scope Update

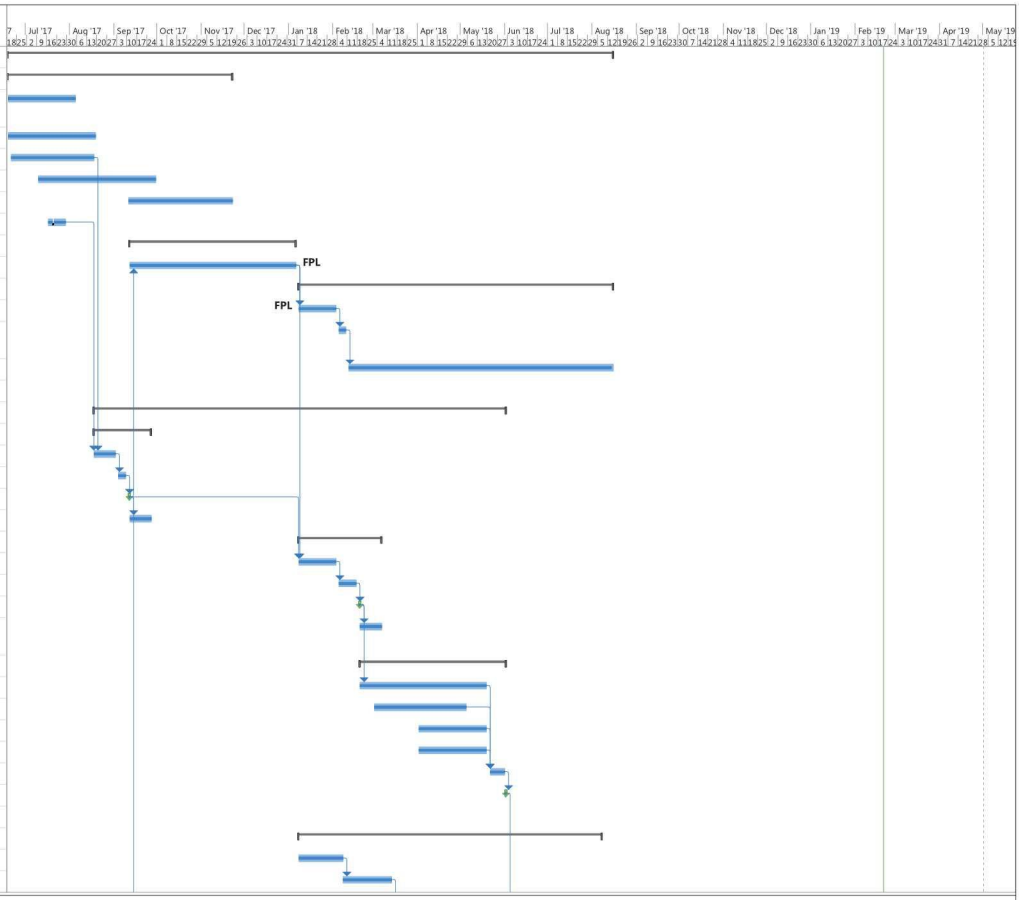
A. General
- Schedule: Project schedule progress is shown below
  - Phase 5 North Design is 3% complete
  - Phase 5 South Design is 3% complete
- Budget: Project is on budget as of February 15, 2019
  - Phase 5 North Design is at 0% of total task budget
  - Phase 5 South Design at 1% of total task budget
- Easement Status
  - Phase 5: N/A, will provide status when this work begins

B. Detailed Design Phase
- Subconsultant coordination related to Phase 5 Undergrounding
- Utility owner coordination related to Phase 5 Undergrounding
- Data Collection
- Field Surveying Activities
- Progress Meeting

II. Upcoming Activities (February 26, 2019 – March 25, 2019)

A. Detailed Design Phase
- Continued Subconsultant/utility owner coordination related to Phase 5 Undergrounding
- Continued Data Collection
- Continued Field Surveying Activities
- Progress Meeting

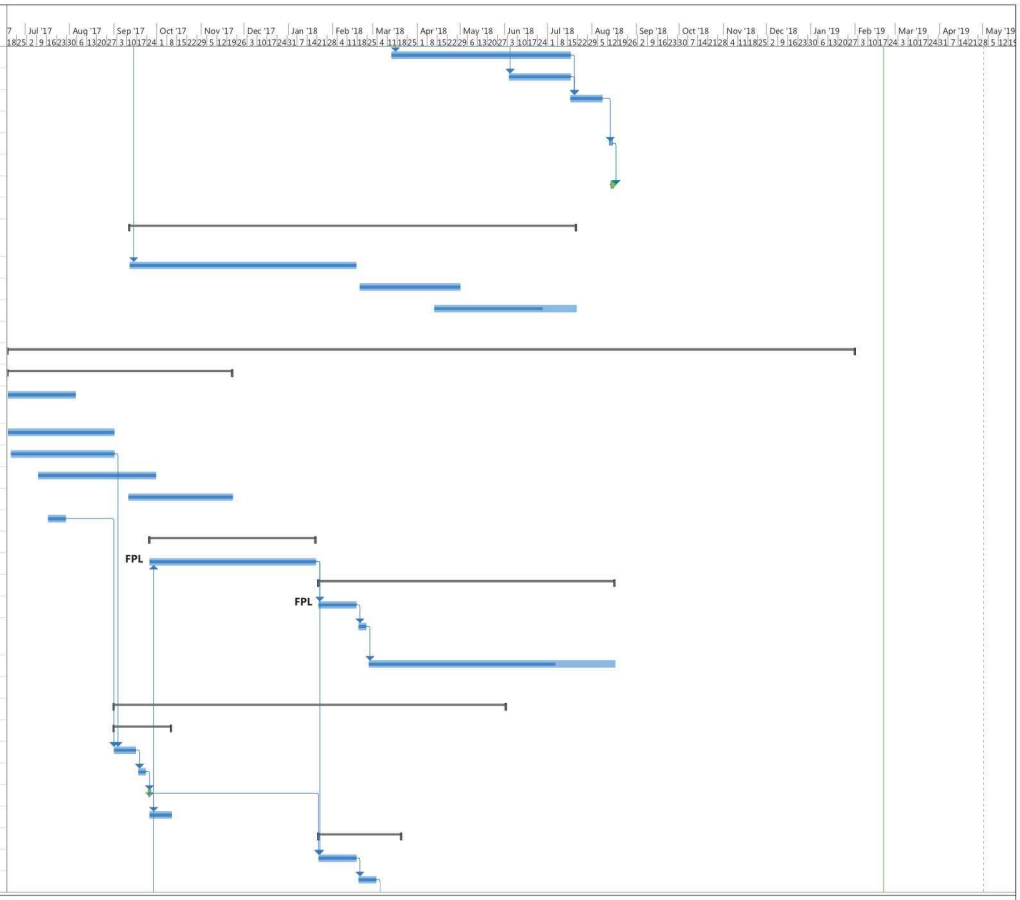
ID	Task Name	Start	Finish
1	**Detailed Design North End (Phase 2 North)**	**Mon 6/19/17**	**Wed 8/15/18**
2	**Data Collection**	**Mon 6/19/17**	**Wed 11/22/17**
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17
5	Site Survey	Wed 6/21/17	Thu 8/17/17
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
9	**Utility Preliminary Design**	**Tue 9/12/17**	**Fri 1/5/18**
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18
11	**Easement Coordination**	**Mon 1/8/18**	**Wed 8/15/18**
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18
15			
16	**Construction Documents**	**Fri 8/18/17**	**Fri 6/1/18**
17	**Utility Base Mapping**	**Fri 8/18/17**	**Tue 9/26/17**
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17
22	**Equipment Location Plan Development**	**Mon 1/8/18**	**Tue 3/6/18**
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18
27	**Conduit Routing Plan Development**	**Tue 2/20/18**	**Fri 6/1/18**
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
34			
35	**Bid Phase - Phase 2 North**	**Mon 1/8/18**	**Tue 8/7/18**
36	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
37	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18



Project: TOPB UG Ph 2 Designr
Date: Thu 2/21/19

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

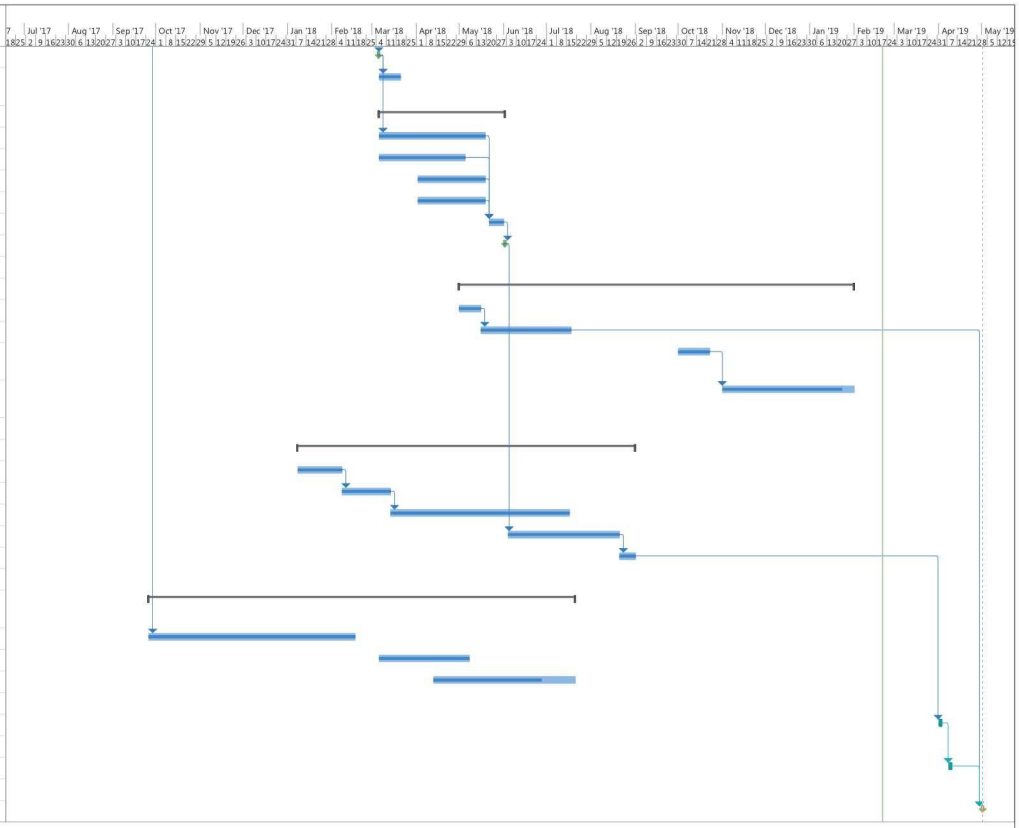
ID	Task Name	Start	Finish
38	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
39	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
40	GMP review and Negotiation	Tue 7/17/18	Tue 8/7/18
41			
42	**Town Council Award (Phase 2 North)**	Tue 8/14/18	Tue 8/14/18
43			
44	**Start Construction (Phase 2 North)**	Wed 8/15/18	Wed 8/15/18
45	<New Task>		
46	**Utility Design and BCE Development - Phase 2 North**	**Tue 9/12/17**	**Fri 7/20/18**
47	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18
48	AT&T and Comcast Design	Tue 2/20/18	Mon 4/30/18
49	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
50			
51	**Detailed Design South End (Phase 2 South)**	**Mon 6/19/17**	**Thu 1/31/19**
52	**Data Collection**	**Mon 6/19/17**	**Wed 11/22/17**
53	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
54	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17
55	Site Survey	Wed 6/21/17	Thu 8/31/17
56	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
57	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
58	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
59	**Utility Preliminary Design**	**Tue 9/26/17**	**Fri 1/19/18**
60	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17	Fri 1/19/18
61	**Easement Coordination**	**Mon 1/22/18**	**Thu 8/16/18**
62	Determine Easement Needs and Locations	Mon 1/22/18	Fri 2/16/18
63	Send Easement Request Letters to Property Owners	Mon 2/19/18	Fri 2/23/18
64	Procure Easements and Follow up	Mon 2/26/18	Thu 8/16/18
65			
66	**Construction Documents**	**Fri 9/1/17**	**Fri 6/1/18**
67	**Utility Base Mapping**	**Fri 9/1/17**	**Tue 10/10/17**
68	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17
69	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17
70	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17
71	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17
72	**Equipment Location Plan Development**	**Mon 1/22/18**	**Tue 3/20/18**
73	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18
74	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18



Project: TOPB UG Ph 2 Designr
Date: Thu 2/21/19

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

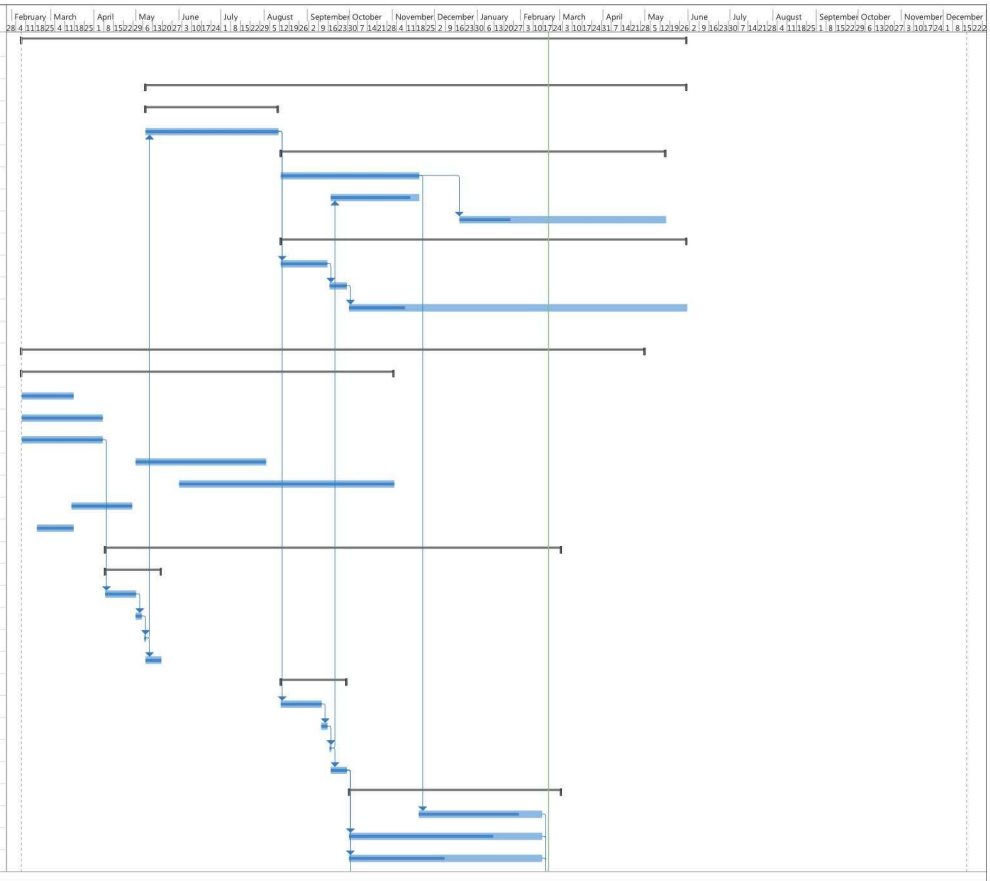
ID	Task Name	Start	Finish
75	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18
76	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18
77	**Conduit Routing Plan Development**	**Tue 3/6/18**	**Fri 6/1/18**
78	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18
79	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18
80	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
81	Technical Specifications	Mon 4/2/18	Fri 5/18/18
82	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
83	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
84			
85	**Permitting Assistance - Phase 2 South**	**Tue 5/1/18**	**Thu 1/31/19**
86	FDOT Utility Permit application	Tue 5/1/18	Tue 5/15/18
87	FDOT Permit Application Review Process	Wed 5/16/18	Tue 7/17/18
88	FDOT Landscape Permit and Construction Agreement/MMOA	Mon 10/1/18	Mon 10/22/18
89	FDOT Landscape Permit and Construction Agreement/MMOA Review Process	Thu 11/1/18	Thu 1/31/19
90			
91	**Bid Phase - Phase 2 South**	**Mon 1/8/18**	**Fri 8/31/18**
92	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
93	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
94	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
95	Bidding/GMP Development	Mon 6/4/18	Mon 8/20/18
96	GMP review and Negotiation	Tue 8/21/18	Fri 8/31/18
97	<New Task>		
98	**Utility Design and BCE Development - Phase 2 South**	**Tue 9/26/17**	**Fri 7/20/18**
99	FPL Design and Preliminary Conduit Routing	Tue 9/26/17	Fri 2/16/18
100	AT&T and Comcast Design	Tue 3/6/18	Mon 5/7/18
101	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
102			
103	**UUTF Bid Award Review (Phase 2 South)**	Tue 4/2/19	Tue 4/2/19
104			
105	**Town Council Award (Phase 2 South)**	Tue 4/9/19	Tue 4/9/19
106			
107	**Start Construction (Phase 2 South)**	Wed 5/1/19	Wed 5/1/19



Project: TOPB UG Ph 2 Designr
Date: Thu 2/21/19

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

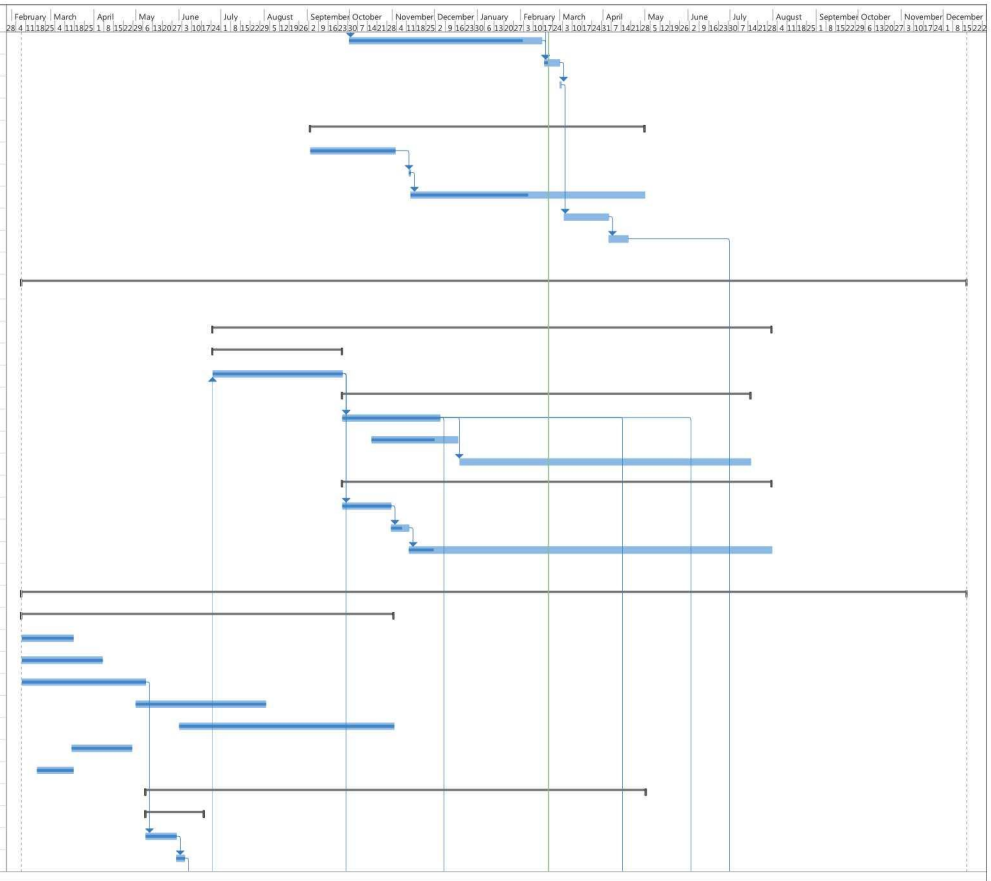
ID	Task Name	Start	Finish
1	**Detailed Design - Phase 3 North**	**Thu 2/8/18**	**Thu 5/30/19**
2			
3	**Design Activities - Outside Resources**	**Tue 5/8/18**	**Thu 5/30/19**
4	**Utility Preliminary Design**	**Tue 5/8/18**	**Fri 8/10/18**
5	*FPL Provision of Preliminary Equipment Locations*	Tue 5/8/18	Fri 8/10/18
6	**Utility Design and BCE Development**	**Mon 8/13/18**	**Wed 5/15/19**
7	*FPL Design and Preliminary Conduit Routing*	Mon 8/13/18	Mon 11/19/18
8	*AT&T and Comcast Design*	Tue 9/18/18	Mon 11/19/18
9	*Utility Agreement, BCE Development and Final FPL Design*	Wed 12/19/18	Wed 5/15/19
10	**Easement Coordination**	**Mon 8/13/18**	**Thu 5/30/19**
11	*Determine Easement Needs and Locations*	Mon 8/13/18	Fri 9/14/18
12	*Send Easement Request Letters to Property Owners*	Mon 9/17/18	Fri 9/28/18
13	*Procure Easements and Follow up*	Mon 10/1/18	Thu 5/30/19
14			
15	**Design Activities - Kimley-Horn Resources**	**Thu 2/8/18**	**Tue 4/30/19**
16	**Data Collection**	**Thu 2/8/18**	**Thu 11/1/18**
17	*Sunshine One-Call, Utility Coordination and Letter Request*	Thu 2/8/18	Fri 3/16/18
18	*Collect/Analyze Record Information*	Thu 2/8/18	Fri 4/6/18
19	*Site Survey*	Thu 2/8/18	Fri 4/6/18
20	*Geotechnical Investigation*	Tue 5/1/18	Wed 8/1/18
21	*Soft Dig Utility Locates*	Fri 6/1/18	Thu 11/1/18
22	*Site Visit / Determine Meter Locations*	Fri 3/16/18	Fri 4/27/18
23	*Existing Easement Research*	Mon 2/19/18	Fri 3/16/18
24	**Construction Documents**	**Mon 4/9/18**	**Fri 3/1/19**
25	***Utility Base Mapping***	**Mon 4/9/18**	**Fri 5/18/18**
26	*Utility Base Map Development*	Mon 4/9/18	Mon 4/30/18
27	*Utility Base Map Internal QC*	Tue 5/1/18	Fri 5/4/18
28	*Utility Base Map Town/Utility Owner Submittal*	Mon 5/7/18	Mon 5/7/18
29	*Utility Base Map Town Review and Comment*	Tue 5/8/18	Fri 5/18/18
30	***Equipment Location Plan Development***	**Mon 8/13/18**	**Fri 9/28/18**
31	*Equipment Location Plan Development*	Mon 8/13/18	Mon 9/10/18
32	*Equipment Location Plan Plan Internal QC*	Tue 9/11/18	Fri 9/14/18
33	*Equipment Location Plan Town Submittal*	Mon 9/17/18	Mon 9/17/18
34	*Equipment Location Plan Town Review and Comment*	Tue 9/18/18	Fri 9/28/18
35	**Conduit Routing Plan Development**	**Mon 10/1/18**	**Fri 3/1/19**
36	*Conduit Routing Plan Development*	Tue 11/20/18	Fri 2/15/19
37	*Commercial/Customer Owned Service Design*	Mon 10/1/18	Fri 2/15/19
38	*Landscaping Plans*	Mon 10/1/18	Fri 2/15/19



Project: Phase 3 Detailed Desig
Date: Thu 2/21/19

Task | Summary | Inactive Milestone | Duration-only | Start-only | External Milestone | Manual Progress
Split | Project Summary | Inactive Summary | Manual Summary Rollup | Finish-only | Deadline
Milestone | Inactive Task | Manual Task | Manual Summary | External Tasks | Progress

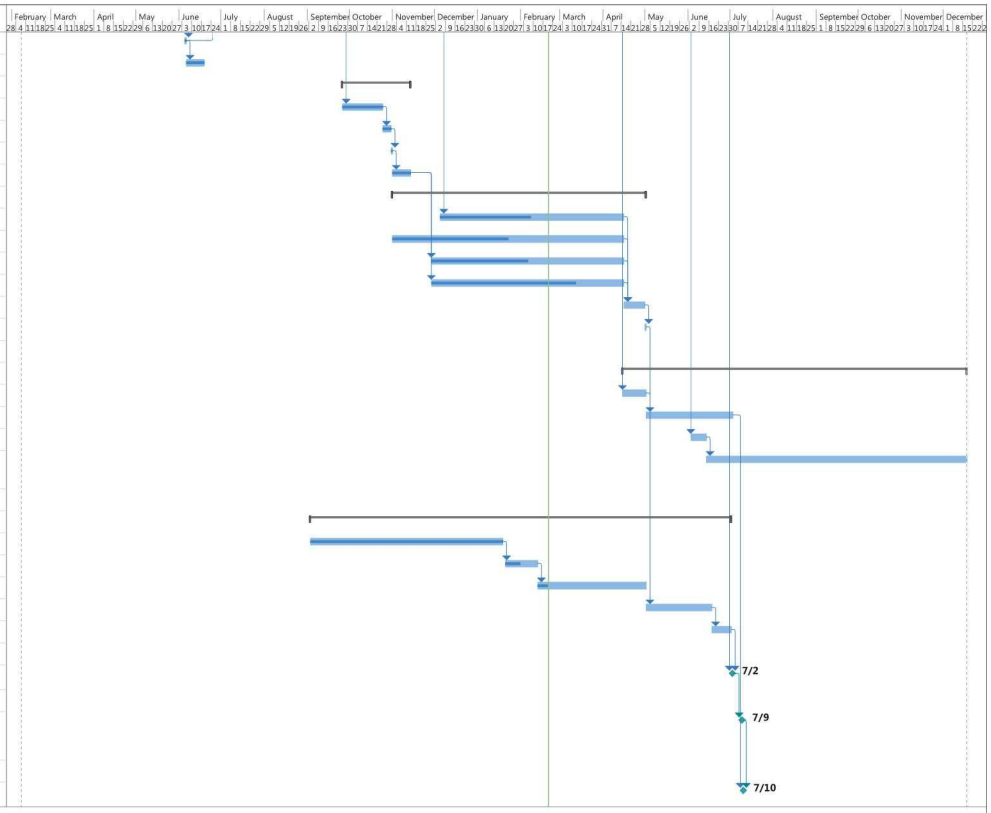
ID	Task Name	Start	Finish
39	*Technical Specifications*	Mon 10/1/18	Fri 2/15/19
40	*Conduit Routing Plan Internal QC*	Mon 2/18/19	Thu 2/28/19
41	*Conduit Routing Plan Town/CMAR Submittal*	Fri 3/1/19	Fri 3/1/19
42			
43	**Bid Phase - Phase 3 North**	**Mon 9/3/18**	**Tue 4/30/19**
44	CMAR Procurement	Mon 9/3/18	Fri 11/2/18
45	CMAR Recommendation and Award	Tue 11/13/18	Tue 11/13/18
46	Pre-Construction Services	Wed 11/14/18	Tue 4/30/19
47	Bidding/GMP Development	Mon 3/4/19	Thu 4/4/19
48	GMP Review/Negotiation	Fri 4/5/19	Thu 4/18/19
49			
50	**Detailed Design - Phase 3 South**	**Thu 2/8/18**	**Tue 12/17/19**
51			
52	**Design Activities - Outside Resources**	**Mon 6/25/18**	**Tue 7/30/19**
53	**Utility Preliminary Design**	**Mon 6/25/18**	**Tue 9/25/18**
54	*FPL Provision of Preliminary Equipment Locations*	Mon 6/25/18	Tue 9/25/18
55	**Utility Design and BCE Development**	**Wed 9/26/18**	**Mon 7/15/19**
56	*FPL Design and Preliminary Conduit Routing*	Wed 9/26/18	Tue 12/4/18
57	*AT&T and Comcast Design*	Wed 10/17/18	Mon 12/17/18
58	*Utility Agreement, BCE Development and Final FPL Design*	Wed 12/19/18	Mon 7/15/19
59	**Easement Coordination**	**Wed 9/26/18**	**Tue 7/30/19**
60	*Determine Easement Needs and Locations*	Wed 9/26/18	Tue 10/30/18
61	*Send Easement Request Letters to Property Owners*	Wed 10/31/18	Mon 11/12/18
62	*Procure Easements and Follow up*	Tue 11/13/18	Tue 7/30/19
63			
64	**Design Activities - Kimley-Horn Resources**	**Thu 2/8/18**	**Tue 12/17/19**
65	**Data Collection**	**Thu 2/8/18**	**Thu 11/1/18**
66	*Sunshine One-Call, Utility Coordination and Letter Request*	Thu 2/8/18	Fri 3/16/18
67	*Collect/Analyze Record Information*	Thu 2/8/18	Fri 4/6/18
68	*Site Survey*	Thu 2/8/18	Mon 5/7/18
69	*Geotechnical Investigation*	Tue 5/1/18	Wed 8/1/18
70	*Soft Dig Utility Locates*	Fri 6/1/18	Thu 11/1/18
71	*Site Visit / Determine Meter Locations*	Fri 3/16/18	Fri 4/27/18
72	*Existing Easement Research*	Mon 2/19/18	Fri 3/16/18
73	**Construction Documents**	**Tue 5/8/18**	**Wed 5/1/19**
74	***Utility Base Mapping***	**Tue 5/8/18**	**Mon 6/18/18**
75	*Utility Base Map Development*	Tue 5/8/18	Tue 5/29/18
76	*Utility Base Map Internal QC*	Wed 5/30/18	Mon 6/4/18



Project: Phase 3 Detailed Desig
Date: Thu 2/21/19

Task | Summary | Inactive Milestone | Duration-only | Start-only | External Milestone | Manual Progress
Split | Project Summary | Inactive Summary | Manual Summary Rollup | Finish-only | Deadline
Milestone | Inactive Task | Manual Task | Manual Summary | External Tasks | Progress

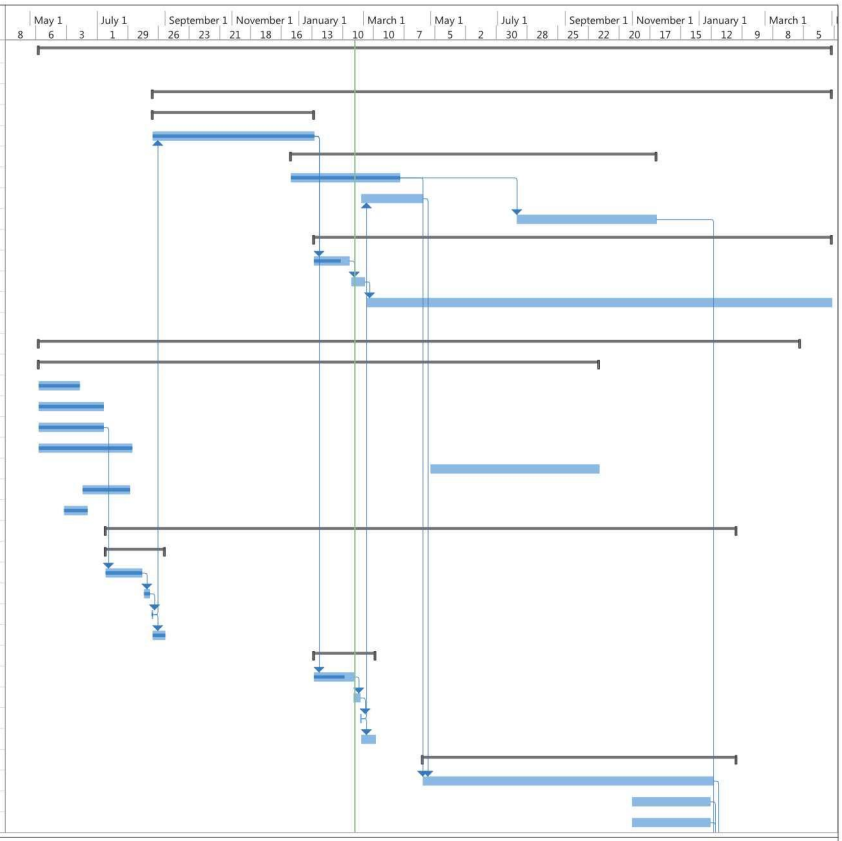
ID	Task Name	Start	Finish
77	*Utility Base Map Town/Utility Owner Submittal*	Tue 6/5/18	Tue 6/5/18
78	*Utility Base Map Town Review and Comment*	Wed 6/6/18	Mon 6/18/18
79	***Equipment Location Plan Development***	**Wed 9/26/18**	**Tue 11/13/18**
80	*Equipment Location Plan Development*	Wed 9/26/18	Wed 10/24/18
81	*Equipment Location Plan Plan Internal QC*	Thu 10/25/18	Tue 10/30/18
82	*Equipment Location Plan Town Submittal*	Wed 10/31/18	Wed 10/31/18
83	*Equipment Location Plan Town Review and Comment*	Thu 11/1/18	Tue 11/13/18
84	**Conduit Routing Plan Development**	**Thu 11/1/18**	**Wed 5/1/19**
85	*Conduit Routing Plan Development*	Wed 12/5/18	Mon 4/15/19
86	*Commercial/Customer Owned Service Design*	Thu 11/1/18	Mon 4/15/19
87	*Landscaping Plans*	Thu 11/29/18	Mon 4/15/19
88	*Technical Specifications*	Thu 11/29/18	Mon 4/15/19
89	*Conduit Routing Plan Internal QC*	Tue 4/16/19	Tue 4/30/19
90	*Conduit Routing Plan Town Submittal*	Wed 5/1/19	Wed 5/1/19
91			
92	**Permitting Activities - Phase 3 South**	**Mon 4/15/19**	**Tue 12/17/19**
93	*FDOT Utility permit Application*	Mon 4/15/19	Wed 5/1/19
94	*FDOT Utility permit Application Review Process*	Thu 5/2/19	Tue 7/2/19
95	*FDOT Landscaping Permit Application*	Mon 6/3/19	Thu 6/13/19
96	*FDOT Landscaping Permit Application Review and MMOA Execution Process*	Fri 6/14/19	Tue 12/17/19
97			
98	**Bid Phase - Phase 3 South**	**Mon 9/3/18**	**Mon 7/1/19**
99	*CMAR Procurement*	Mon 9/3/18	Fri 1/18/19
100	*CMAR Recommendation and Award*	Mon 1/21/19	Tue 2/12/19
101	*Pre-Construction Services*	Wed 2/13/19	Wed 5/1/19
102	*Bidding/GMP Development*	Thu 5/2/19	Mon 6/17/19
103	*GMP Review/Negotiation*	Tue 6/18/19	Mon 7/1/19
104			
105	**UUTF GMP Review (Phases 3 North and South)**	Tue 7/2/19	Tue 7/2/19
106			
107	**Town Council GMP Review and Award (Phases 3 North and South)**	Tue 7/9/19	Tue 7/9/19
108			
109	**Start Construction (Phases 3 North and South)**	Wed 7/10/19	Wed 7/10/19



Project: Phase 3 Detailed Desig
Date: Thu 2/21/19

Task | Summary | Inactive Milestone | Duration-only | Start-only | External Milestone | Manual Progress
Split | Project Summary | Inactive Summary | Manual Summary Rollup | Finish-only | Deadline
Milestone | Inactive Task | Manual Task | Manual Summary | External Tasks | Progress

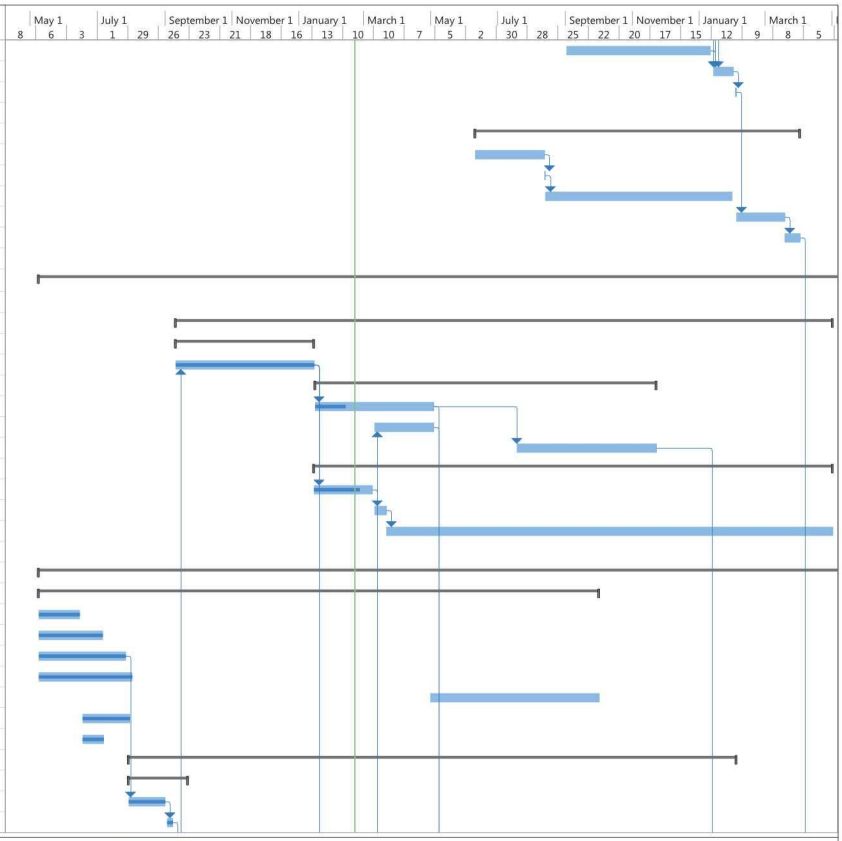
ID	Task Name	Start	Finish
1	**Detailed Design - Phase 4 North**	**Wed 5/9/18**	**Thu 4/30/20**
2			
3	**Design Activities - Outside Resources**	**Tue 8/21/18**	**Thu 4/30/20**
4	**Utility Preliminary Design**	**Tue 8/21/18**	**Mon 1/14/19**
5	*FPL Provision of Preliminary Equipment Locations*	Tue 8/21/18	Mon 1/14/19
6	**Utility Design and BCE Development**	**Tue 12/25/18**	**Fri 11/22/19**
7	*FPL Design and Preliminary Conduit Routing*	Tue 12/25/18	Tue 4/2/19
8	*AT&T and Comcast Design*	Wed 2/27/19	Tue 4/23/19
9	*Utility Agreement, BCE Development and Final FPL Design*	Fri 7/19/19	Fri 11/22/19
10	**Easement Coordination**	**Tue 1/15/19**	**Thu 4/30/20**
11	*Determine Easement Needs and Locations*	Tue 1/15/19	Fri 2/15/19
12	*Send Easement Request Letters to Property Owners*	Mon 2/18/19	Fri 3/1/19
13	*Procure Easements and Follow up*	Mon 3/4/19	Thu 4/30/20
14			
15	**Design Activities - Kimley-Horn Resources**	**Wed 5/9/18**	**Wed 4/1/20**
16	**Data Collection**	**Wed 5/9/18**	**Tue 10/1/19**
17	*Sunshine One-Call, Utility Coordination and Letter Request*	Wed 5/9/18	Thu 6/14/18
18	*Collect/Analyze Record Information*	Wed 5/9/18	Fri 7/6/18
19	*Site Survey*	Wed 5/9/18	Fri 7/6/18
20	*Geotechnical Investigation*	Wed 5/9/18	Wed 8/1/18
21	*Soft Dig Utility Locates*	Wed 5/1/19	Tue 10/1/19
22	*Site Visit / Determine Meter Locations*	Mon 6/18/18	Mon 7/30/18
23	*Existing Easement Research*	Fri 6/1/18	Thu 6/21/18
24	**Construction Documents**	**Mon 7/9/18**	**Mon 2/3/20**
25	***Utility Base Mapping***	**Mon 7/9/18**	**Fri 8/31/18**
26	*Utility Base Map Development*	Mon 7/9/18	Fri 8/10/18
27	*Utility Base Map Internal QC*	Mon 8/13/18	Fri 8/17/18
28	*Utility Base Map Town/Utility Owner Submittal*	Mon 8/20/18	Mon 8/20/18
29	*Utility Base Map Town Review and Comment*	Tue 8/21/18	Fri 8/31/18
30	***Equipment Location Plan Development***	**Tue 1/15/19**	**Mon 3/11/19**
31	*Equipment Location Plan Development*	Tue 1/15/19	Tue 2/19/19
32	*Equipment Location Plan Plan Internal QC*	Wed 2/20/19	Mon 2/25/19
33	*Equipment Location Plan Town Submittal*	Tue 2/26/19	Tue 2/26/19
34	*Equipment Location Plan Town Review and Comment*	Wed 2/27/19	Mon 3/11/19
35	**Conduit Routing Plan Development**	**Wed 4/24/19**	**Mon 2/3/20**
36	*Conduit Routing Plan Development*	Wed 4/24/19	Mon 1/13/20
37	*Commercial/Customer Owned Service Design*	Fri 11/1/19	Fri 1/10/20
38	*Landscaping Plans*	Fri 11/1/19	Fri 1/10/20



Project: Phase 4 Detailed Desig
Date: Thu 2/21/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone

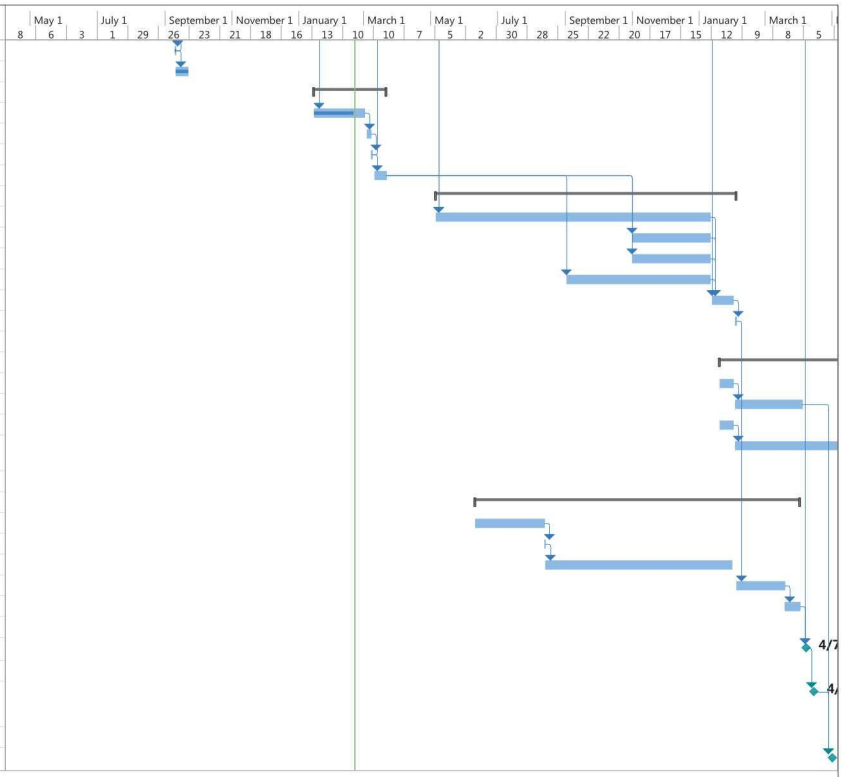
ID	Task Name	Start	Finish
39	*Technical Specifications*	Mon 9/2/19	Fri 1/10/20
40	*Conduit Routing Plan Internal QC*	Tue 1/14/20	Fri 1/31/20
41	*Conduit Routing Plan Town/CMAR Submittal*	Mon 2/3/20	Mon 2/3/20
42			
43	**Bid Phase - Phase 4 North**	**Tue 6/11/19**	**Wed 4/1/20**
44	CMAR Procurement	Tue 6/11/19	Mon 8/12/19
45	CMAR Recommendation and Award	Tue 8/13/19	Tue 8/13/19
46	Pre-Construction Services	Wed 8/14/19	Thu 1/30/20
47	Bidding/GMP Development	Tue 2/4/20	Wed 3/18/20
48	GMP Review/Negotiation	Thu 3/19/20	Wed 4/1/20
49			
50	**Detailed Design - Phase 4 South**	**Wed 5/9/18**	**Wed 8/5/20**
51			
52	**Design Activities - Outside Resources**	**Tue 9/11/18**	**Fri 5/1/20**
53	**Utility Preliminary Design**	**Tue 9/11/18**	**Mon 1/14/19**
54	*FPL Provision of Preliminary Equipment Locations*	Tue 9/11/18	Mon 1/14/19
55	**Utility Design and BCE Development**	**Wed 1/16/19**	**Fri 11/22/19**
56	*FPL Design and Preliminary Conduit Routing*	Wed 1/16/19	Fri 5/3/19
57	*AT&T and Comcast Design*	Mon 3/11/19	Fri 5/3/19
58	*Utility Agreement, BCE Development and Final FPL Design*	Fri 7/19/19	Fri 11/22/19
59	**Easement Coordination**	**Tue 1/15/19**	**Fri 5/1/20**
60	*Determine Easement Needs and Locations*	Tue 1/15/19	Fri 3/8/19
61	*Send Easement Request Letters to Property Owners*	Mon 3/11/19	Thu 3/21/19
62	*Procure Easements and Follow up*	Fri 3/22/19	Fri 5/1/20
63			
64	**Design Activities - Kimley-Horn Resources**	**Wed 5/9/18**	**Wed 8/5/20**
65	**Data Collection**	**Wed 5/9/18**	**Tue 10/1/19**
66	*Sunshine One-Call, Utility Coordination and Letter Request*	Wed 5/9/18	Thu 6/14/18
67	*Collect/Analyze Record Information*	Wed 5/9/18	Thu 7/5/18
68	*Site Survey*	Wed 5/9/18	Thu 7/26/18
69	*Geotechnical Investigation*	Wed 5/9/18	Wed 8/1/18
70	*Soft Dig Utility Locates*	Wed 5/1/19	Tue 10/1/19
71	*Site Visit / Determine Meter Locations*	Mon 6/18/18	Mon 7/30/18
72	*Existing Easement Research*	Mon 6/18/18	Fri 7/6/18
73	**Construction Documents**	**Mon 7/30/18**	**Mon 2/3/20**
74	***Utility Base Mapping***	**Mon 7/30/18**	**Fri 9/21/18**
75	*Utility Base Map Development*	Mon 7/30/18	Fri 8/31/18
76	*Utility Base Map Internal QC*	Mon 9/3/18	Fri 9/7/18



Project: Phase 4 Detailed Desig
Date: Thu 2/21/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone

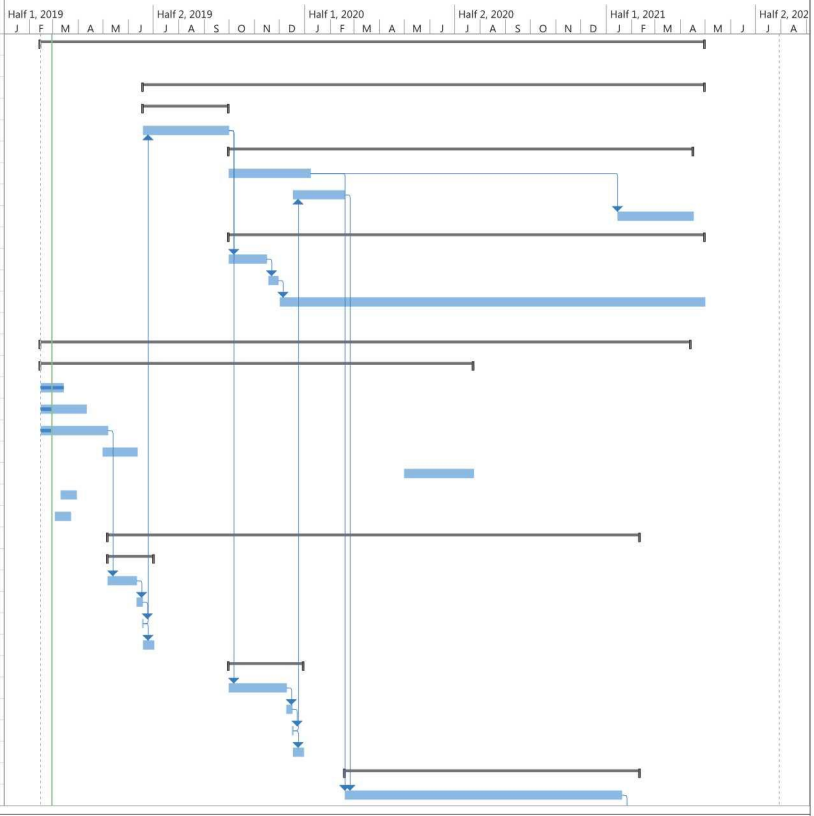
ID	Task Name	Start	Finish
77	*Utility Base Map Town/Utility Owner Submittal*	Mon 9/10/18	Mon 9/10/18
78	*Utility Base Map Town Review and Comment*	Tue 9/11/18	Fri 9/21/18
79	***Equipment Location Plan Development***	**Tue 1/15/19**	**Thu 3/21/19**
80	*Equipment Location Plan Development*	Tue 1/15/19	Fri 3/1/19
81	*Equipment Location Plan Plan Internal QC*	Mon 3/4/19	Thu 3/7/19
82	*Equipment Location Plan Town Submittal*	Fri 3/8/19	Fri 3/8/19
83	*Equipment Location Plan Town Review and Comment*	Mon 3/11/19	Thu 3/21/19
84	**Conduit Routing Plan Development**	**Mon 5/6/19**	**Mon 2/3/20**
85	*Conduit Routing Plan Development*	Mon 5/6/19	Fri 1/10/20
86	*Commercial/Customer Owned Service Design*	Fri 11/1/19	Fri 1/10/20
87	*Landscaping Plans*	Fri 11/1/19	Fri 1/10/20
88	*Technical Specifications*	Mon 9/2/19	Fri 1/10/20
89	*Conduit Routing Plan Internal QC*	Mon 1/13/20	Fri 1/31/20
90	*Conduit Routing Plan Town Submittal*	Mon 2/3/20	Mon 2/3/20
91			
92	**Permitting Activities - Phase 4 South**	**Mon 1/20/20**	**Wed 8/5/20**
93	*FDOT Utility permit Application*	Mon 1/20/20	Fri 1/31/20
94	*FDOT Utility permit Application Review Process*	Mon 2/3/20	Fri 4/3/20
95	*FDOT Landscaping Permit Application*	Mon 1/20/20	Fri 1/31/20
96	*FDOT Landscaping Permit Application Review and MMOA Execution Process*	Mon 2/3/20	Wed 8/5/20
97			
98	**Bid Phase - Phase 4 South**	**Tue 6/11/19**	**Wed 4/1/20**
99	*CMAR Procurement*	Tue 6/11/19	Mon 8/12/19
100	*CMAR Recommendation and Award*	Tue 8/13/19	Tue 8/13/19
101	*Pre-Construction Services*	Wed 8/14/19	Thu 1/30/20
102	*Bidding/GMP Development*	Tue 2/4/20	Wed 3/18/20
103	*GMP Review/Negotiation*	Thu 3/19/20	Wed 4/1/20
104			
105	**UUTF GMP Review (Phases 4 North and South)**	Tue 4/7/20	Tue 4/7/20
106			
107	**Town Council GMP Review and Award (Phases 4 North and South)**	Tue 4/14/20	Tue 4/14/20
108			
109	**Start Construction (Phases 4 North and South)**	Fri 5/1/20	Fri 5/1/20



Project: Phase 4 Detailed Desig
Date: Thu 2/21/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone

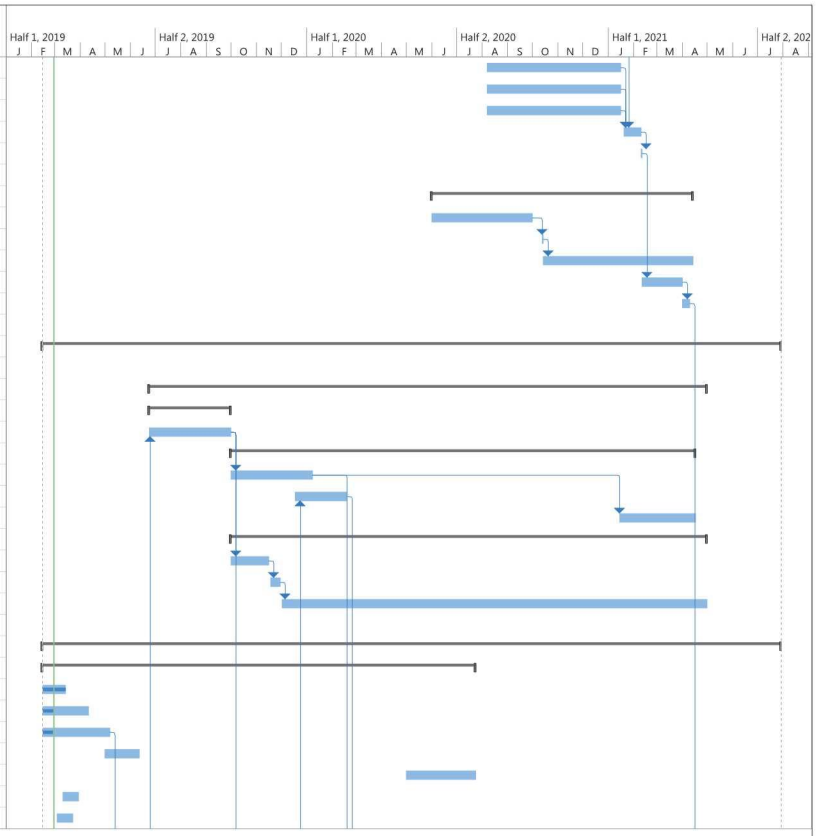
ID	Task Name	Start	Finish
1	**Detailed Design - Phase 5 North**	**Thu 2/14/19**	**Fri 4/30/21**
2			
3	**Design Activities - Outside Resources**	**Wed 6/19/19**	**Fri 4/30/21**
4	**Utility Preliminary Design**	**Wed 6/19/19**	**Mon 9/30/19**
5	FPL Provision of Preliminary Equipment Locations	Wed 6/19/19	Mon 9/30/19
6	**Utility Design and BCE Development**	**Tue 10/1/19**	**Fri 4/16/21**
7	FPL Design and Preliminary Conduit Routing	Tue 10/1/19	Tue 1/7/20
8	AT&T and Comcast Design	Wed 12/18/19	Tue 2/18/20
9	Utility Agreement, BCE Development and Final FPL Design	Fri 1/15/21	Fri 4/16/21
10	**Easement Coordination**	**Tue 10/1/19**	**Fri 4/30/21**
11	Determine Easement Needs and Locations	Tue 10/1/19	Fri 11/15/19
12	Send Easement Requeset Letters to Property Owners	Mon 11/18/19	Fri 11/29/19
13	Procure Easements and Follow Up	Mon 12/2/19	Fri 4/30/21
14			
15	**Design Activities - Kimley-Horn Resources**	**Thu 2/14/19**	**Tue 4/13/21**
16	**Data Collection**	**Thu 2/14/19**	**Thu 7/23/20**
17	Sunshine One-Call, Utility Coordination, and Letter Request	Thu 2/14/19	Wed 3/13/19
18	Collect/Analyze Record Information	Thu 2/14/19	Wed 4/10/19
19	Site Survey	Thu 2/14/19	Mon 5/6/19
20	Geotechnical Investigation	Wed 5/1/19	Tue 6/11/19
21	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20
22	Site Visit / Determine Meter Locations	Mon 3/11/19	Fri 3/29/19
23	Existing Easement Research	Mon 3/4/19	Fri 3/22/19
24	**Construction Documents**	**Tue 5/7/19**	**Wed 2/10/21**
25	**Utility Base Mapping**	**Tue 5/7/19**	**Mon 7/1/19**
26	Utility Base Map Development	Tue 5/7/19	Mon 6/10/19
27	Utility Base Map Internal QC	Tue 6/11/19	Mon 6/17/19
28	Utility Base Map Town/Utility Owner Submittal	Tue 6/18/19	Tue 6/18/19
29	Utility Base Map Town Review and Comment	Wed 6/19/19	Mon 7/1/19
30	**Equipment Location Plan Development**	**Tue 10/1/19**	**Mon 12/30/19**
31	Equipment Location Plan Development	Tue 10/1/19	Mon 12/9/19
32	Equipment Location Plan Internal QC	Tue 12/10/19	Mon 12/16/19
33	Equipment Location Plan Town Submittal	Tue 12/17/19	Tue 12/17/19
34	Equipment Location Plan Town Review and Comment	Wed 12/18/19	Mon 12/30/19
35	**Conduit Routing Plan Development**	**Wed 2/19/20**	**Wed 2/10/21**
36	Conduit Routing Plan Development	Wed 2/19/20	Tue 1/19/21



Project: 2019_0226_Schedule
Date: Thu 2/28/19

Task | Project Summary | Manual Task | Start-only | Deadline
Split | Inactive Task | Duration-only | Finish-only | Progress
Milestone | Inactive Milestone | Manual Summary Rollup | External Tasks | Manual Progress
Summary | Inactive Summary | Manual Summary | External Milestone

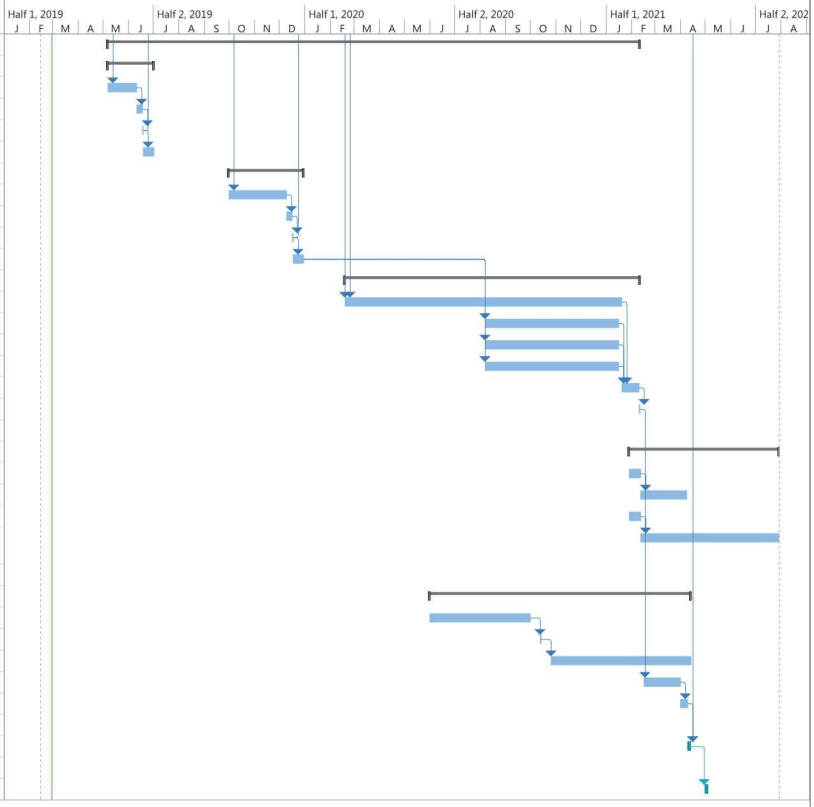
ID	Task Name	Start	Finish
37	Commercial/Customer-Owned Service Design	Fri 8/7/20	Fri 1/15/21
38	Landscaping Plan	Fri 8/7/20	Fri 1/15/21
39	Technical Specifications	Fri 8/7/20	Fri 1/15/21
40	Conduit Routing Plan Internal QC	Wed 1/20/21	Tue 2/9/21
41	Conduit Routing Plan Town/CMAR Submittal	Wed 2/10/21	Wed 2/10/21
42			
43	**Bid Phase - Phase 5 North**	**Mon 6/1/20**	**Tue 4/13/21**
44	CMAR Procurement	Mon 6/1/20	Wed 9/30/20
45	CMAR Recommendation and Award	Tue 10/13/20	Tue 10/13/20
46	Preconstruction Services	Wed 10/14/20	Tue 4/13/21
47	Bidding/GMP Development	Thu 2/11/21	Wed 3/31/21
48	GMP Review/Negotiation	Thu 4/1/21	Fri 4/9/21
49			
50	**Detailed Design - Phase 5 South**	**Thu 2/14/19**	**Thu 7/29/21**
51			
52	**Design Activities - Outside Resources**	**Mon 6/24/19**	**Fri 4/30/21**
53	**Utility Preliminary Design**	**Mon 6/24/19**	**Mon 9/30/19**
54	FPL Provision of Preliminary Equipment Locations	Mon 6/24/19	Mon 9/30/19
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56	FPL Design and Preliminary Conduit Routing	Tue 10/1/19	Tue 1/7/20
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58	Utility Agreement, BCE Development and Final FPL Design	Fri 1/15/21	Fri 4/16/21
59	**Easement Coordination**	**Tue 10/1/19**	**Fri 4/30/21**
60	Determine Easement Needs and Locations	Tue 10/1/19	Fri 11/15/19
61	Send Easement Requeset Letters to Property Owners	Mon 11/18/19	Fri 11/29/19
62	Procure Easements and Follow Up	Mon 12/2/19	Fri 4/30/21
63			
64	**Design Activities - Kimley-Horn Resources**	**Thu 2/14/19**	**Thu 7/29/21**
65	**Data Collection**	**Thu 2/14/19**	**Thu 7/23/20**
66	Sunshine One-Call, Utility Coordination, and Letter Request	Thu 2/14/19	Wed 3/13/19
67	Collect/Analyze Record Information	Thu 2/14/19	Wed 4/10/19
68	Site Survey	Thu 2/14/19	Mon 5/6/19
69	Geotechnical Investigation	Wed 5/1/19	Tue 6/11/19
70	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20
71	Site Visit / Determine Meter Locations	Mon 3/11/19	Fri 3/29/19
72	Existing Easement Research	Mon 3/4/19	Fri 3/22/19



Project: 2019_0226_Schedule
Date: Thu 2/28/19

Task	Project Summary	Manual Task	Start-only	Deadline	
Split	Inactive Task	Duration-only	Finish-only	Progress	
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress	
Summary	Inactive Summary	Manual Summary	External Milestone		

ID	Task Name	Start	Finish
73	**Construction Documents**	**Tue 5/7/19**	**Wed 2/10/21**
74	**Utility Base Mapping**	**Tue 5/7/19**	**Mon 7/1/19**
75	Utility Base Map Development	Tue 5/7/19	Mon 6/10/19
76	Utility Base Map Internal QC	Tue 6/11/19	Mon 6/17/19
77	Utility Base Map Town/Utility Owner Submittal	Tue 6/18/19	Tue 6/18/19
78	Utility Base Map Town Review and Comment	Wed 6/19/19	Mon 7/1/19
79	**Equipment Location Plan Development**	**Tue 10/1/19**	**Mon 12/30/19**
80	Equipment Location Plan Development	Tue 10/1/19	Mon 12/9/19
81	Equipment Location Plan Internal QC	Tue 12/10/19	Mon 12/16/19
82	Equipment Location Plan Town Submittal	Tue 12/17/19	Tue 12/17/19
83	Equipment Location Plan Town Review and Comment	Wed 12/18/19	Mon 12/30/19
84	**Conduit Routing Plan Development**	**Wed 2/19/20**	**Wed 2/10/21**
85	Conduit Routing Plan Development	Wed 2/19/20	Tue 1/19/21
86	Commercial/Customer-Owned Service Design	Fri 8/7/20	Fri 1/15/21
87	Landscaping Plan	Fri 8/7/20	Fri 1/15/21
88	Technical Specifications	Fri 8/7/20	Fri 1/15/21
89	Conduit Routing Plan Internal QC	Wed 1/20/21	Tue 2/9/21
90	Conduit Routing Plan Town/CMAR Submittal	Wed 2/10/21	Wed 2/10/21
91			
92	**Permitting Activities - Phase 5 South**	**Fri 1/29/21**	**Thu 7/29/21**
93	FDOT Utility Permit Application	Fri 1/29/21	Thu 2/11/21
94	FDOT Utility Permit Application Review Process	Fri 2/12/21	Thu 4/8/21
95	FDOT Landscaping Permit Application	Fri 1/29/21	Thu 2/11/21
96	FDOT Landscaping Permit Application Review and MMOA Execution Process	Fri 2/12/21	Thu 7/29/21
97			
98	**Bid Phase - Phase 5 South**	**Mon 6/1/20**	**Tue 4/13/21**
99	CMAR Procurement	Mon 6/1/20	Wed 9/30/20
100	CMAR Recommendation and Award	Tue 10/13/20	Tue 10/13/20
101	Preconstruction Services	Mon 10/26/20	Tue 4/13/21
102	Bidding/GMP Development	Tue 2/16/21	Wed 3/31/21
103	GMP Review/Negotiation	Thu 4/1/21	Fri 4/9/21
104			
105	Town Council GMP Review and Award (Phases 5 North and South)	Mon 4/12/21	Mon 4/12/21
106			
107	Start Construction (Phases 5 North and South)	Mon 5/3/21	Mon 5/3/21



Project: 2019_0226_Schedule
Date: Thu 2/28/19

Task | Project Summary | Manual Task | Start-only | Deadline
Split | Inactive Task | Duration-only | Finish-only | Progress
Milestone | Inactive Milestone | Manual Summary Rollup | External Tasks | Manual Progress
Summary | Inactive Summary | Manual Summary | External Milestone

BURKHARDT
CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary

1400 Alabama Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402

BURKHARDT CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
For
January 2019

Project Description
Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

The crews returned to work after the holiday and began to energize the system. FPL had broken down the energizing process into multiple sequences and had only processed a few of the required switching orders. Some of the work such as energizing the main feeder and numbering the transformers had to be completed before the next sequence of energizing the system was released and could continue. As FPL released the next sequence of the work the crews worked diligently to complete it. This process continued throughout the month. By the end of the month approximately 35 transformers had become energized. Once all transformers are energized and FPL releases the private side switching order we will begin the final connections.

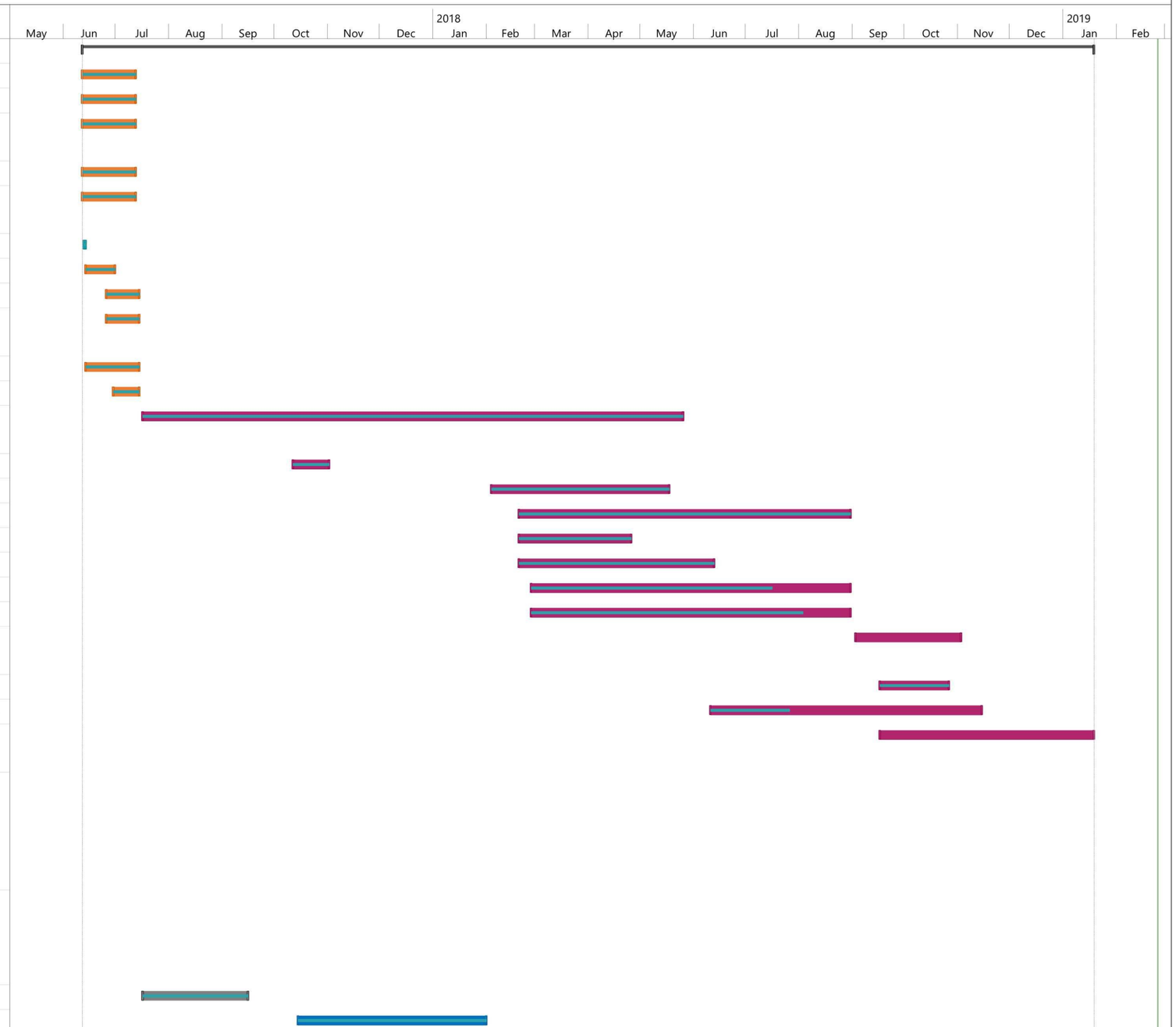
COMCAST installed cable and equipment through the entire phase. AT&T is expected to be at the site early in February to begin their work.

The work as show in line item numbers 19, 20, 21, and 24 in our included schedule are delayed due to the Town's negotiations with AT&T and COMCAST.

1400 Alabama Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	Finish
1	**Phase I - NORTH**	**81%**	**420 days?**	**Mon 6/12/17**	**Fri 1/18/19**
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17	Wed 7/12/17
3	Copy Of Executed Easements	100%	23 days	Mon 6/12/17	Wed 7/12/17
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17
6	Fully Executed Agreement With COMCAST / AT & T	100%	23 days	Mon 6/12/17	Wed 7/12/17
7	Town Council Approval	100%	1 day	Tue 6/13/17	Tue 6/13/17
8	Award Prime Contract	100%	13 days	Wed 6/14/17	Fri 6/30/17
9	Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17
10	Customer Owned Service Connection Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17	Fri 7/14/17
12	Material Procurement	100%	11 days	Fri 6/30/17	Fri 7/14/17
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	225 days	Mon 7/17/17	Fri 5/25/18
14	Feeder Splice Box Installation	100%	15 days	Thu 10/12/17	Wed 11/1/17
15	Set Transformers / Switch Cabinets (FPL)	100%	75 days	Sun 2/4/18	Thu 5/17/18
16	Secondary Services / Wire	100%	138 days	Tue 2/20/18	Thu 8/30/18
17	As-Built Submission / Review (FPL)	100%	47 days	Tue 2/20/18	Wed 4/25/18
18	Pull Wire / Terminations Primary (FPL)	100%	81 days	Tue 2/20/18	Tue 6/12/18
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	75%	133 days	Tue 2/27/18	Thu 8/30/18
20	*Comcast Pull Wire, Set Pedestals	85%	133 days	Tue 2/27/18	Thu 8/30/18
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18	Fri 11/2/18
22	Energize Underground (FPL)	100%	30 days	Mon 9/17/18	Fri 10/26/18
23	Secondary Service Switch Over (FPL)	30%	113 days	Mon 6/11/18	Wed 11/14/18
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	90 days	Mon 9/17/18	Fri 1/18/19
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
27	Storm Drainage	100%	45 days	Mon 7/17/17	Fri 9/15/17
28	Water Main	100%	79 days	Sun 10/15/17	Wed 1/31/18



DATED 02/25/19
CURRENT PERCENT COMPLETED 81%

BURKHARDT CONSTRUCTION, INC.

BURKHARDT
CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
For
January 2019

Project Description
Townwide Overhead Utility Undergrounding
Phase 2 North
P.O. # 181400

Project Status:

The crews returned after the holiday season to begin horizontal directional drilling along North Ocean Blvd. They started at the north end at the "S" bend and worked south. As the crew worked south they also drilled along the east / west streets such as Reef and Dolphin Roads down to the first transformer. Towards the end of the month, two of the FPL splice boxes were set. The crew will continue heading south to the southern limits as time progresses.

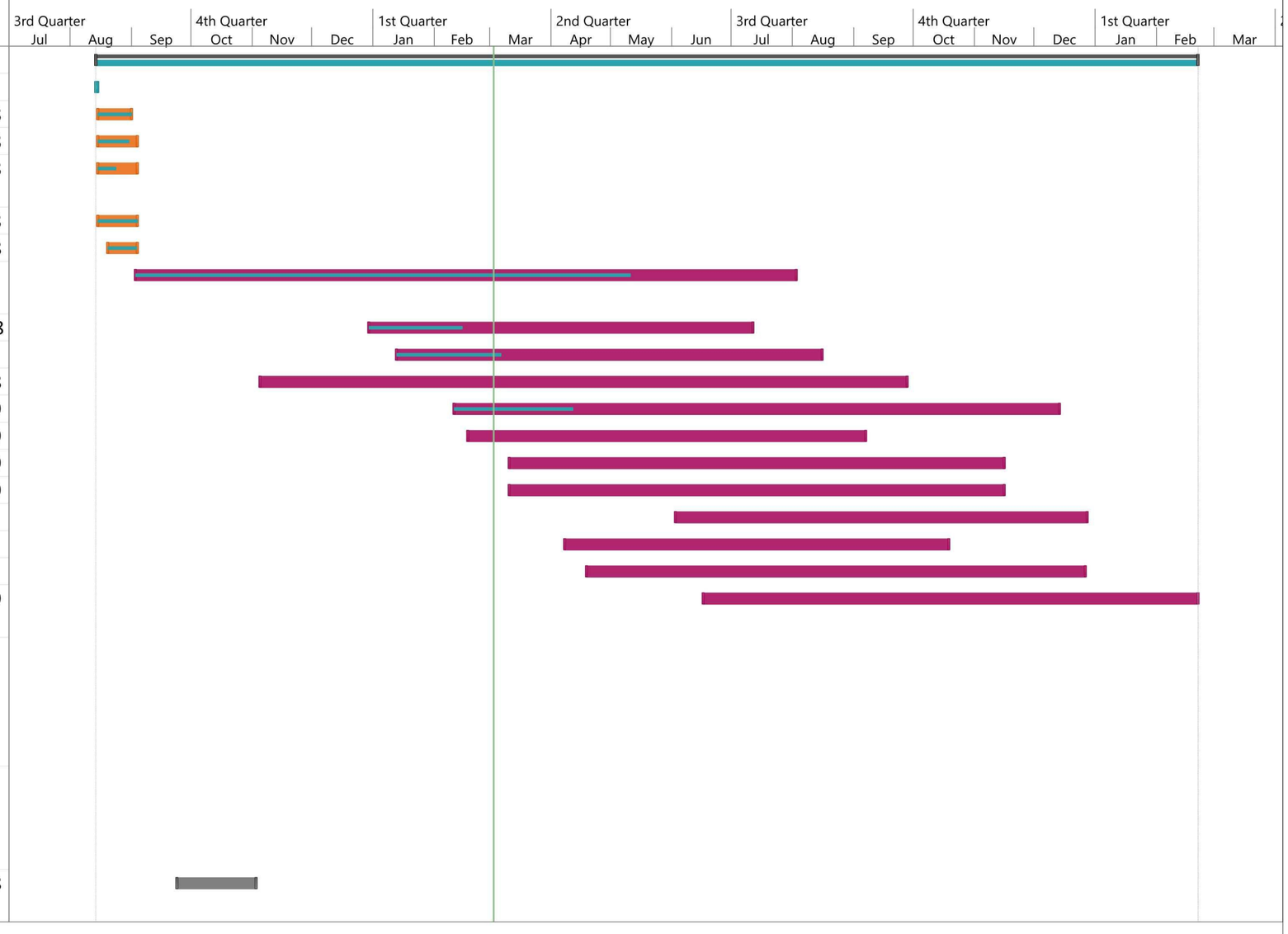
The project is on schedule and is remaining within budget.

1400 Alabama Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402


NORTH OCEAN BOULEVARD
NORTH OCEAN BOULEVARD
NORTH OCEAN BLVD
N. OCEAN WAY
N. OCEAN WAY
ESPLANADE WAY
REEF ROAD
DOLPHIN ROAD
SEAGATE ROAD
ANGLER AVENUE
OCEAN TERRACE
OSCEOLA WAY
ONONDAGA AVENUE
NORTH LAKE WAY
NORTH LAKE WAY

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comple	Duration	Start
1	**Phase 2 NORTH**	**16%**	**399 days**	**Tue 8/14/18**
2	Town Council Approval	100%	1 day	Tue 8/14/18
3	Award Prime Contract	100%	13 days	Wed 8/15/18
4	Permitting	85%	14 days	Wed 8/15/18
5	Customer Owned Service Connection Permitting	50%	14 days	Wed 8/15/18
6	Sub Contract Agreements	100%	14 days	Wed 8/15/18
7	Material Procurement	95%	11 days	Mon 8/20/18
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	75%	240 days	Mon 9/3/18
9	Feeder Splice Box Installation	25%	140 days	Sun 12/30/18
10	Set Transformers / Switch Cabinets (FPL)	25%	155 days	Sun 1/13/19
11	Secondary Services / Wire	0%	235 days	Mon 11/5/18
12	As-Built Submission / Review (FPL)	20%	220 days	Mon 2/11/19
13	Pull Wire / Terminations Primary (FPL)	0%	145 days	Mon 2/18/19
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19
15	*Comcast Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19
16	Cut over / Overhead Removal (ATT/Comcast)	0%	150 days	Mon 6/3/19
17	Energize Underground (FPL)	0%	140 days	Mon 4/8/19
18	Secondary Service Switch Over (FPL)	0%	180 days	Fri 4/19/19
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	180 days	Mon 6/17/19
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%		
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%		
22	Storm Drainage	0%	30 days	Mon 9/24/18



UPDATED 2/28/19
CURRENT PERCENT COMPLETED 16%

BURKHARDT CONSTRUCTION, INC.

UNDERGROUNDING OF UTILITIES PROJECT
PHASE 1 SOUTH

UNDERGROUNDING TODAY
For A Better Tomorrow!

WHITING-TURNER

February 2019 MONTHLY REPORT

TOWN UNDERGROUNDING PHASE 1—SOUTH—Whiting-Turner Project Updates

SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- 0 lost time incidents to date
- 1 recordable incident to date

CONSTRUCTION

- S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are 100% completed with conduit, equipment, concrete vaults and pads, cable and terminations. Street Lighting conduit and boxes completed. FPL Punchlist related items completed. Currently waiting on switching orders from FPL.
- Phipps Ocean North Parking Lot Lighting conduit, handholes and pole installation completed. Currently waiting on switching orders from FPL to energize poles.
- Ibis Isle AT&T/Comcast conduit installation along with Concrete Curb/Asphalt Mill & Re-surface (drainage) and striping complete. Currently waiting on switching orders from FPL.
- Ibis Isle Watermain replacement completed.
- Restroom building is completed and open to the public.
- A-41 electrical installations 90% completed. Mechanical installations ongoing.

DOCUMENTATION:

RFIs:

A. 37 RFIs issued to date
B. 0 Outstanding RFI

SUBMITTALS:

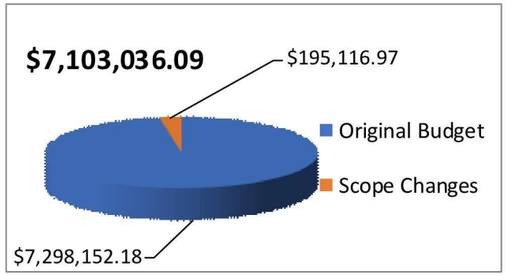
A. 275+ Individual Submittals Processed
B. 0 Submittal Package Currently Under Review
C. 0 Submittal Packages Pending Submission to A/E

DRAWINGS: Added Scopes of Work

A. Post GMP Phipps Ocean Park Restroom Building.
B. Post GMP Phipps Ocean Park Lighting.
C. Post GMP A-41 Wastewater Pump Station.
D. Post GMP Ibis Bridge Watermain Crossing.

RELEVANT POTENTIAL CHANGES:

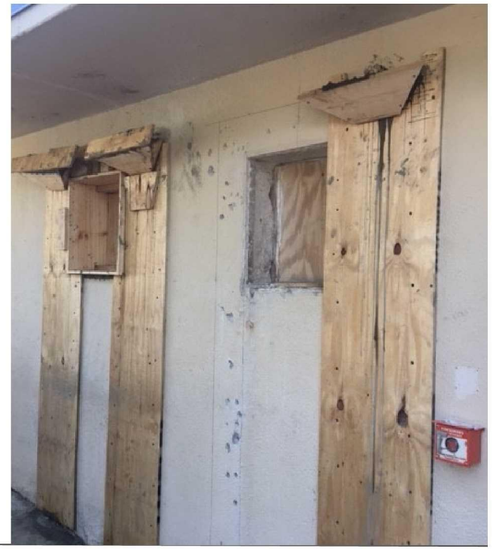
FINANCIALS—BUDGET VS. COSTS



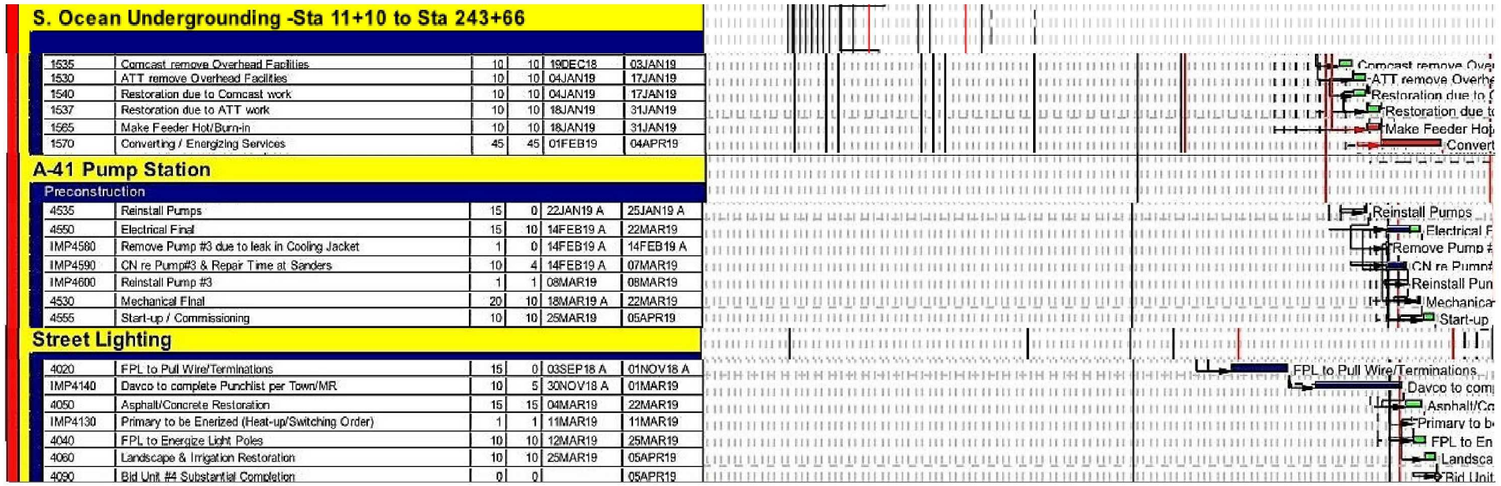
Current GMP Amount	—	**$7,103,036.09**
Approved Owner Initiated Scope Changes	—	**$195,116.97**
Gross Billings to Date ($)	—	**$6,034,258.06**
Gross Billings to Date (%)	—	**85%**
Schedule % Completed	—	**90%**







SCHEDULE SUMMARY



S. Ocean Undergrounding -Sta 11+10 to Sta 243+66					
1535	Comcast remove Overhead Facilities	10	10	19DEC18	03JAN19
1530	ATT remove Overhead Facilities	10	10	04JAN19	17JAN19
1540	Restoration due to Comcast work	10	10	04JAN19	17JAN19
1537	Restoration due to ATT work	10	10	18JAN19	31JAN19
1565	Make Feeder Hot/Burn-in	10	10	18JAN19	31JAN19
1570	Converting / Energizing Services	45	45	01FEB19	04APR19
A-41 Pump Station					
Preconstruction					
4535	Reinstall Pumps	15	0	22JAN19 A	25JAN19 A
4550	Electrical Final	15	10	14FEB19 A	22MAR19
IMP4580	Remove Pump #3 due to leak in Cooling Jacket	1	0	14FEB19 A	14FEB19 A
IMP4590	CN re Pump#3 & Repair Time at Sanders	10	4	14FEB19 A	07MAR19
IMP4600	Reinstall Pump #3	1	1	08MAR19	08MAR19
4530	Mechanical Final	20	10	18MAR19 A	22MAR19
4555	Start-up / Commissioning	10	10	25MAR19	05APR19
Street Lighting					
4020	FPL to Pull Wire/Terminations	15	0	03SEP18 A	01NOV18 A
IMP4140	Davco to complete Punchlist per Town/MR	10	5	30NOV18 A	01MAR19
4050	Asphalt/Concrete Restoration	15	15	04MAR19	22MAR19
IMP4130	Primary to be Enerized (Heat-up/Switching Order)	1	1	11MAR19	11MAR19
4040	FPL to Energize Light Poles	10	10	12MAR19	25MAR19
4060	Landscape & Irrigation Restoration	10	10	25MAR19	05APR19
4090	Bid Unit #4 Substantial Completion	0	0		05APR19

SCHEDULE NOTES / IMPACTS:

- **Street Lighting conduit and handhole installations by Whiting-Turner 100% complete. FPL Street Lighting pole installation (by others) 100% complete. Currently waiting on switching orders from FPL for WT for proceed.**
- **Additional AT&T/Comcast Service Conduit by Whiting-Turner at Ibis Isle completed. AT&T direct installations pending and Comcast direct installation approx. 95% completed. Service swaps are still pending from both AT&T and Comcast.**
- **A-41 Pump Station roofing complete. Electrical/Mechanical installations ongoing.**

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
Preconstruction Phase					
1037	Town/W-T agree on Contract Language	10	0	20JAN17 A	07MAR17 A
1000	RFQ Review / Selection Committee Award	0	0	13MAR17 A	
1145	Receive Executed Precon Contract from Town	3	0	13APR17 A	17APR17 A
1010	Town Commission approves W-T Preconstruction	0	0		13APR17 A
1020	Publicly Advertise Bid	6	0	16APR17 A	23APR17 A
1005	Bid Documents from Engineer	0	0	17APR17 A	
1007	Prepare for Preconstruction	3	0	17APR17 A	21APR17 A
1015	Notice to Proceed (Same date as Executed Contr.)	1	0	17APR17 A	17APR17 A
1025	Bid Packages/Addenda out to Bid	6	0	17APR17 A	21APR17 A
1040	Bids due from Subs	23	0	17APR17 A	24MAY17 A
1018	Town Provides Proposed "Construction" Contract	1	0	19APR17 A	19APR17 A
1030	W-T comments on proposed "contract" language	10	0	19APR17 A	02MAY17 A
1035	Prebid meeting	0	0	04MAY17 A	
1045	W-T Summarize Bids / Prepare Draft GMP	7	0	17MAY17 A	07JUN17 A
1047	Finalize GMP	7	0	22MAY17 A	08JUN17 A
1052	Town provides W-T with Construction Contract	2	0	30MAY17 A	06JUN17 A
1054	W-T signs Construction Contract digitally	1	0	06JUN17 A	12JUN17 A
1056	Submit GMP for Council Approval	5	0	06JUN17 A	08JUN17 A
1195	Town Issues Construction Contract	3	0	13JUN17 A	14JUN17 A
1055	Town Commission Approval of GMP	0	0		13JUN17 A
1080	W-T executes Subcontracts and procures materials	21	0	26JUN17 A	03AUG17 A
1065	Town issues Construction NTP	1	0	27JUN17 A	27JUN17 A
1175	FPL Eng Completed/Check Paid to FPL/Sign Agreeme	0	0		12JUL17 A
1075	Preconstruction Video	9	0	20JUL17 A	27JUL17 A
1095	W-T mobilizes for Construction	0	0	02AUG17 A	
1090	W-T setup Trailer/Staging Compound	21	0	04AUG17 A	09AUG17 A
1085	Soft Digs	12	0	14AUG17 A	31OCT17 A
1185	LED Street Lighting issue resolved	0	0		12OCT17 A
IMP1096	W-T Revised Street Lighting Directive to Proceed	0	0	18JAN18 A	
Procurement					
1100	WM Pipe/Fittings/Accessories	20	0	17JUL17 A	06OCT17 A
1105	WM Line Stops	20	0	17JUL17 A	06OCT17 A
1110	FPL Feeder & Primary Conduit Procurement	40	0	17JUL17 A	09AUG17 A
1115	FPL Secondary Conduit Procurement	40	0	17JUL17 A	29DEC17 A
1125	FPL Wire	60	0	17JUL17 A	28MAR18 A
1130	ATT Vaults	30	0	17JUL17 A	30APR18 A
1135	ATT / Comcast Conduit	30	0	17JUL17 A	29SEP17 A
1120	FPL Equipment/Switches /PMEs	60	0	02AUG17 A	28MAR18 A
1117	Street Lighting Conduit/Pull Boxes/Access	30	0	18JAN18 A	28FEB18 A
IMP1170	TOPB/FPL Procure revised Street Light Materials	14	0	18JAN18 A	02MAR18 A
1155	Street Lights Poles & Fixtures (VOID - by FPL)	100	0	01MAY18 A	07AUG18 A
1165	Precast Pole Base (VOID by FPL)	60	0	01MAY18 A	07AUG18 A
Construction					
General					
1200	Setup Advanced Warning (VMS Boards etc)	2	0	02AUG17 A	04AUG17 A



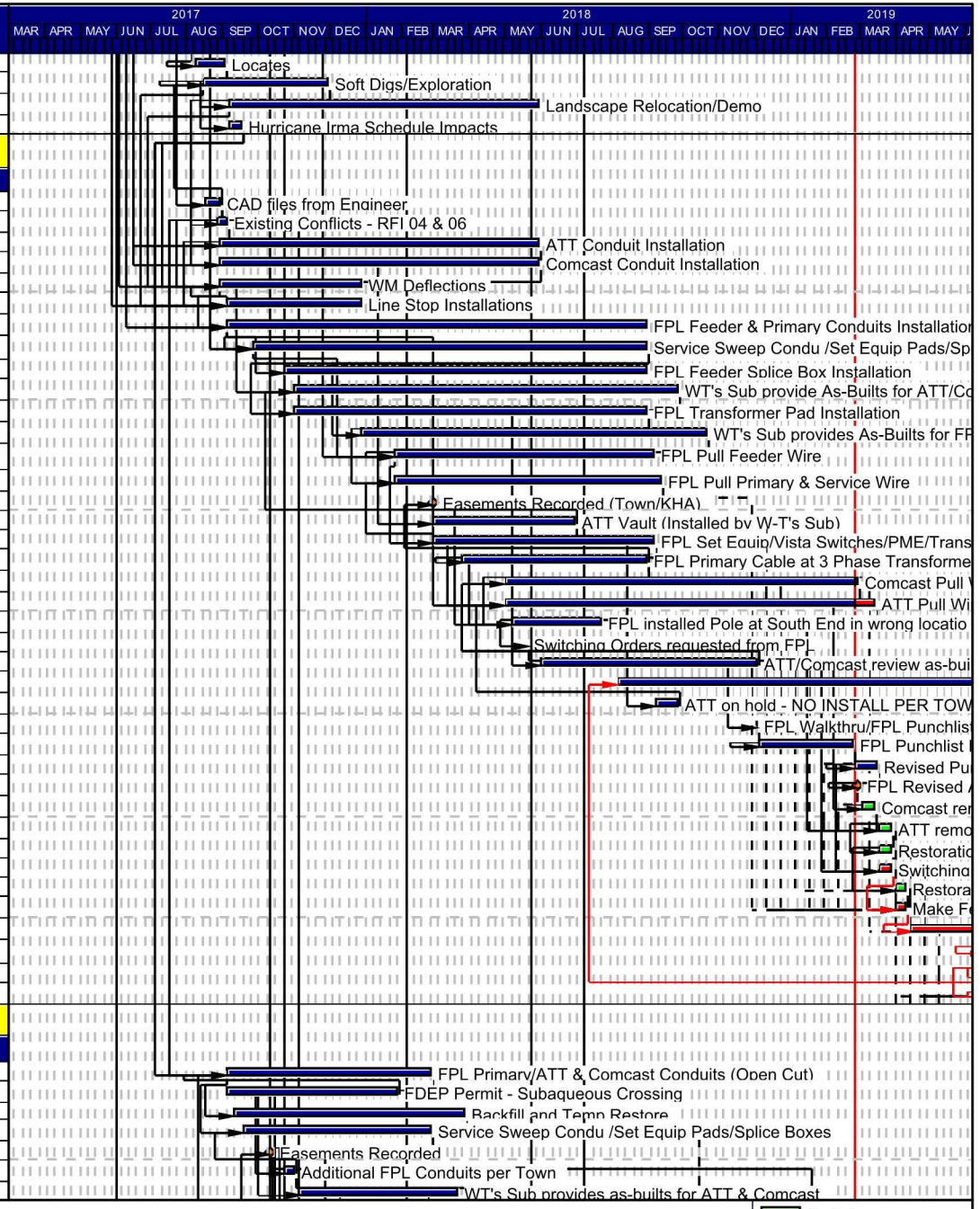
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Page number	1A

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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

Early bar
Progress bar
Critical bar
Summary bar
Start milestone poin
Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
1205	Locates	10	0	09AUG17 A	04SEP17 A
1210	Soft Digs/Exploration	20	0	14AUG17 A	30NOV17 A
1215	Landscape Relocation/Demo	30	0	06SEP17 A	31MAY18 A
IMP 1207	Hurricane Irma Schedule Impacts	8	0	07SEP17 A	18SEP17 A
S. Ocean Undergrounding -Sta 11+10 to Sta 243+66					
IMP 1517	CAD files from Engineer	5	0	16AUG17 A	30AUG17 A
IMP 1516	Existing Conflicts - RFI 04 & 06	4	0	28AUG17 A	06SEP17 A
1500	ATT Conduit Installation	10	0	29AUG17 A	31MAY18 A
1505	Comcast Conduit Installation	10	0	29AUG17 A	31MAY18 A
1521	WM Deflections	60	0	29AUG17 A	29DEC17 A
1518	Line Stop Installations	50	0	04SEP17 A	29DEC17 A
1543	FPL Feeder & Primary Conduits Installation	75	0	04SEP17 A	31AUG18 A
1545	Service Sweep Condu /Set Equip Pads/Splice Boxes	75	0	27SEP17 A	31AUG18 A
1512	FPL Feeder Splice Box Installation	20	0	23OCT17 A	31AUG18 A
1509	WT's Sub provide As-Builts for ATT/Comcast	5	0	01NOV17 A	28SEP18 A
1550	FPL Transformer Pad Installation	20	0	01NOV17 A	31AUG18 A
1547	WT's Sub provides As-Builts for FPL/TPB/K-H	5	0	29DEC17 A	23OCT18 A
1553	FPL Pull Feeder Wire	40	0	27JAN18 A	07SEP18 A
1557	FPL Pull Primary & Service Wire	50	0	27JAN18 A	14SEP18 A
1562	Easements Recorded (Town/KHA)	0	0		28FEB18 A
1507	ATT Vault (Installed by W-T's Sub)	15	0	01MAR18 A	30JUN18 A
1555	FPL Set Equip/Vista Switches/PME/Transformers	55	0	01MAR18 A	07SEP18 A
1560	FPL Primary Cable at 3 Phase Transformer Termin	45	0	26MAR18 A	31AUG18 A
1525	Comcast Pull Wire/Set Pedestals/Terminations	20	5	01MAY18 A	01MAR19
1527	ATT Pull Wire/Set Pedestals/Terminations	20	15	01MAY18 A	15MAR19
IMP1564	FPL installed Pole at South End in wrong locatio	1	0	07MAY18 A	24JUL18 A
1595	Switching Orders requested from FPL	2	0	21MAY18 A	21MAY18 A
1514	ATT/Comcast review as-built/inspect/procure wire	20	0	01JUN18 A	05DEC18 A
1590	Final Landscape & Irrigation Restoration	40	35	06AUG18 A	04DEC19
IMP1567	ATT on hold - NO INSTALL PER TOWN	10	0	07SEP18 A	28SEP18 A
IMP1615	FPL Walkthru/FPL Punchlist	1	0	04DEC18 A	04DEC18 A
IMP1625	FPL Punchlist Items Addressed by W-T/Town	10	0	06DEC18 A	25FEB19 A
IMP1628	Revised Punchlist As-Builts to FPL (KHA)	2	1	25FEB19 A	18MAR19
IMP1629	FPL Revised Asbuilt Followup Meeting	0	0		27FEB19 A
1535	Comcast remove Overhead Facilities	10	10	04MAR19	15MAR19
1530	ATT remove Overhead Facilities	10	10	18MAR19	29MAR19
1540	Restoration due to Comcast work	10	10	18MAR19	29MAR19
IMP1605	Switching Orders provided by FPL	30	10	18MAR19	29MAR19
1537	Restoration due to ATT work	10	10	01APR19	12APR19
1565	Make Feeder Hot/Burn-in	10	10	01APR19	12APR19
1570	Converting / Energizing Services	45	45	15APR19	14JUN19
1575	De-energize existing Aerial Power	7	7	17JUN19	25JUN19
1580	Bid Unit #1 & #2 Substantial Completion	0	0		25JUN19
1585	FPL Remove Overhead Cond./Light/Poles (by FPL)	90	90	26JUN19	30OCT19
Ibis Isle					
3008	FPL Primary/ATT & Comcast Conduits (Open Cut)	30	0	04SEP17 A	28FEB18 A
IMP 3006	FDEP Permit - Subaqueous Crossing	30	0	04SEP17 A	29JAN18 A
3010	Backfill and Temp Restore	30	0	11SEP17 A	28MAR18 A
3030	Service Sweep Condu /Set Equip Pads/Splice Boxes	45	0	19SEP17 A	28FEB18 A
3052	Easements Recorded	0	0		11OCT17 A
IMP 3009	Additional FPL Conduits per Town	7	0	23OCT17 A	03NOV17 A
3020	WT's Sub provides as-builts for ATT & Comcast	5	0	06NOV17 A	23MAR18 A



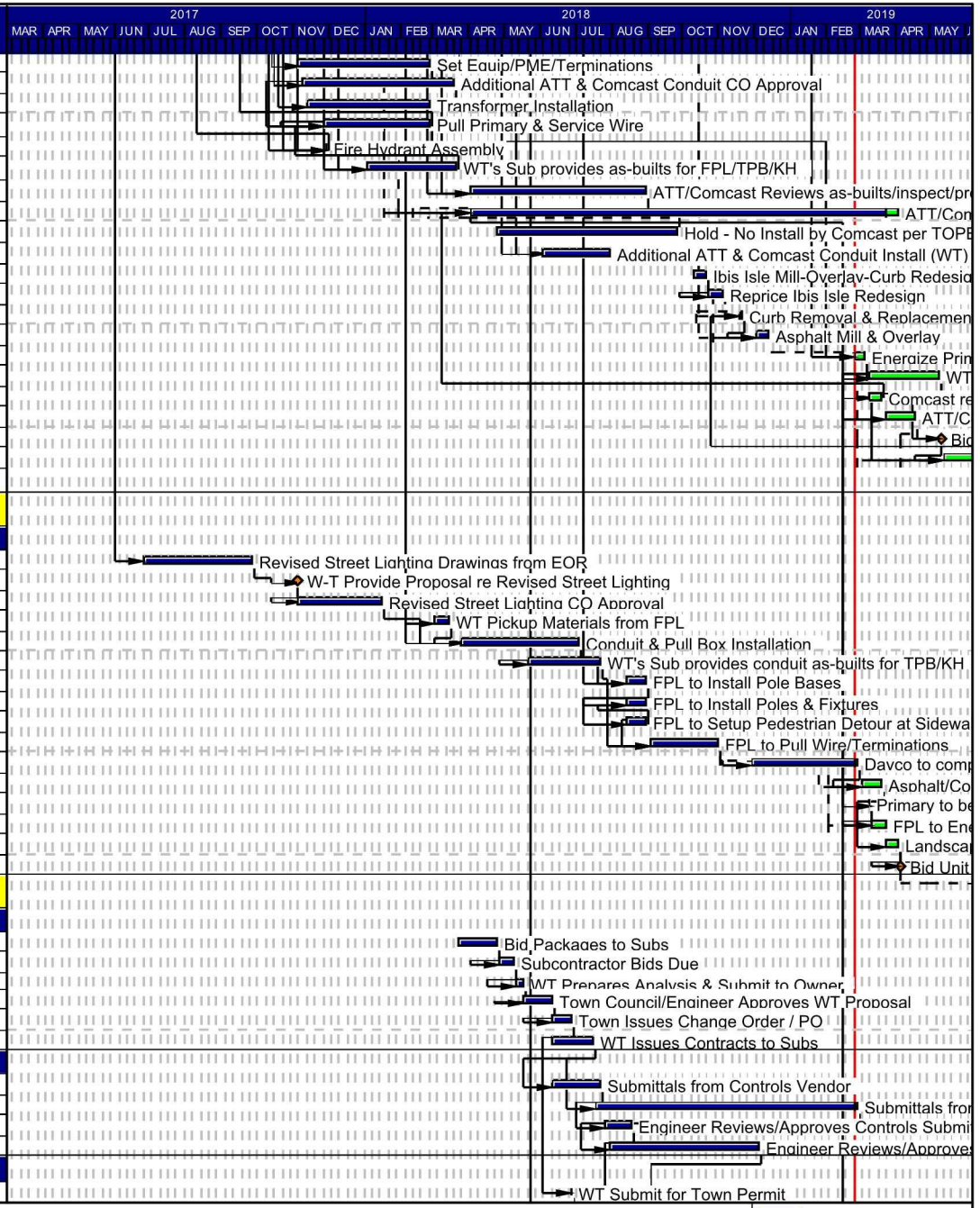
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

Early bar
Progress bar
Critical bar
Summary bar
Start milestone poin
Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
3045	Set Equip/PME/Terminations	30	0	06NOV17 A	28FEB18 A
IMP 3011	Additional ATT & Comcast Conduit CO Approval	10	0	10NOV17 A	20MAR18 A
3047	Transformer Installation	30	0	13NOV17 A	28FEB18 A
3049	Pull Primary & Service Wire	30	0	27NOV17 A	28FEB18 A
3005	Fire Hydrant Assembly	5	0	29NOV17 A	30NOV17 A
3055	WT's Sub provides as-builts for FPL/TPB/KH	5	0	03JAN18 A	23MAR18 A
3035	ATT/Comcast Reviews as-builts/inspect/procure	20	0	02APR18 A	31AUG18 A
3057	ATT/Comcast to install Residential Services	35	10	02APR18 A	05APR19
IMP 3013	Hold - No Install by Comcast per TOPB	30	0	25APR18 A	28SEP18 A
IMP 3012	Additional ATT & Comcast Conduit Install (WT)	10	0	04JUN18 A	31JUL18 A
IMP3084	Ibis Isle Mill-Overlay-Curb Redesign	5	0	11OCT18 A	23OCT18 A
IMP3120	Reprice Ibis Isle Redesign	5	0	23OCT18 A	06NOV18 A
3074	Curb Removal & Replacement	7	0	19NOV18 A	21NOV18 A
3076	Asphalt Mill & Overlay	7	0	04DEC18 A	14DEC18 A
3065	Energize Primary	10	10	25FEB19	08MAR19
3090	WT's Sub Converts Residential Services (FPL)	45	45	11MAR19	10MAY19
IMP3067	Comcast requires Power to complete conversions	10	10	11MAR19	22MAR19
3100	ATT/Comcast remove overhead facilities	20	20	25MAR19	19APR19
3110	Bid Unit #3 Substantial Completion	0	0		10MAY19
3070	FPL Remove Overhead Conductors/Light/Poles	90	90	13MAY19	16SEP19
3080	Final Landscape & Irrigation Restoration	45	45	03SEP19	04NOV19
Street Lighting					
IMP 4000	Revised Street Lighting Drawings from EOR	30	0	27JUN17 A	27SEP17 A
IMP 4005	W-T Provide Proposal re Revised Street Lighting	0	0	06NOV17 A	
IMP 4007	Revised Street Lighting CO Approval	10	0	06NOV17 A	18JAN18 A
IMP 4009	WT Pickup Materials from FPL	4	0	02MAR18 A	16MAR18 A
4000	Conduit & Pull Box Installation	40	0	26MAR18 A	06JUL18 A
4080	WT's Sub provides conduit as-builts for TPB/KH	10	0	21MAY18 A	24JUL18 A
4010	FPL to Install Pole Bases	60	0	14AUG18 A	31AUG18 A
4030	FPL to Install Poles & Fixtures	40	0	14AUG18 A	31AUG18 A
4070	FPL to Setup Pedestrian Detour at Sidewalk	2	0	14AUG18 A	31AUG18 A
4020	FPL to Pull Wire/Terminations	15	0	03SEP18 A	01NOV18 A
IMP4140	Davco to complete Punchlist per Town/MR	10	5	30NOV18 A	01MAR19
4050	Asphalt/Concrete Restoration	15	15	04MAR19	22MAR19
IMP4130	Primary to be Enerized (Heat-up/Switching Order)	1	1	11MAR19	11MAR19
4040	FPL to Energize Light Poles	10	10	12MAR19	25MAR19
4060	Landscape & Irrigation Restoration	10	10	25MAR19	05APR19
4090	Bid Unit #4 Substantial Completion	0	0		05APR19
A-41 Pump Station					
Preconstruction					
4100	Bid Packages to Subs	5	0	23MAR18 A	26APR18 A
4105	Subcontractor Bids Due	10	0	26APR18 A	10MAY18 A
4110	WT Prepares Analysis & Submit to Owner	10	0	11MAY18 A	18MAY18 A
4115	Town Council/Engineer Approves WT Proposal	15	0	18MAY18 A	12JUN18 A
4120	Town Issues Change Order / PO	3	0	12JUN18 A	28JUN18 A
4125	WT Issues Contracts to Subs	10	0	12JUN18 A	18JUL18 A
Submittal					
4210	Submittals from Controls Vendor	40	0	12JUN18 A	23JUL18 A
4200	Submittals from Subs	20	5	18JUL18 A	01MAR19
4230	Engineer Reviews/Approves Controls Submittals	10	0	26JUL18 A	20AUG18 A
4220	Engineer Reviews/Approves Submittals	10	0	31JUL18 A	07DEC18 A
Permits					
4300	WT Submit for Town Permit	10	0	28JUN18 A	28JUN18 A



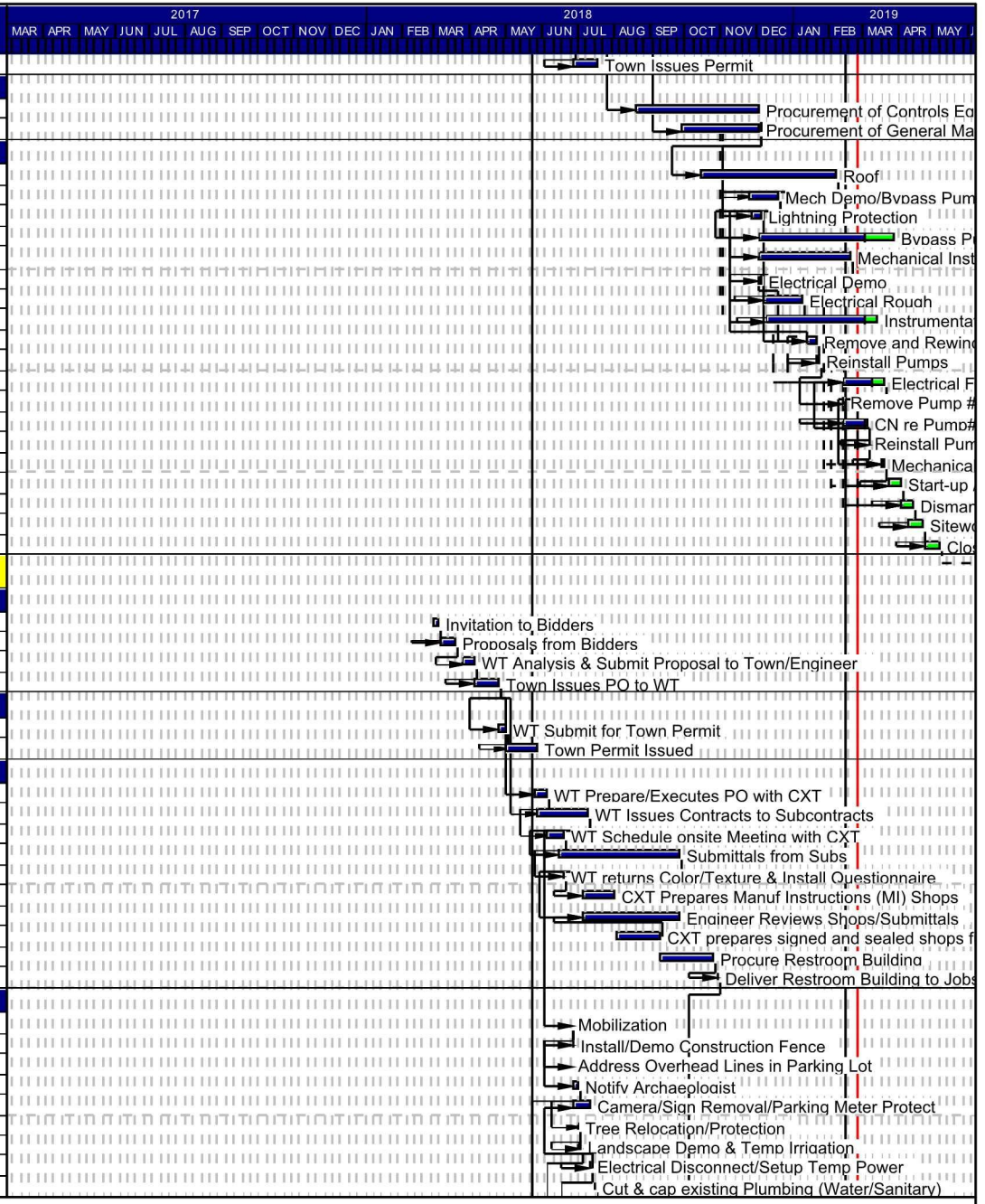
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

Early bar
Progress bar
Critical bar
Summary bar
Start milestone poin
Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
4310	Town Issues Permit	30	0	28JUN18 A	19JUL18 A
Procurement					
4410	Procurement of Controls Equipment	80	0	20AUG18 A	05DEC18 A
4400	Procurement of General Materials	35	0	29SEP18 A	05DEC18 A
Construction					
4505	Roof	15	0	15OCT18 A	08FEB19 A
4500	Mech Demo/Bypass Pump/Temp Vent	15	0	26NOV18 A	21DEC18 A
4575	Lightning Protection	5	0	27NOV18 A	07DEC18 A
4525	Bypass Pumping	80	20	03DEC18 A	29MAR19
4510	Mechanical Installations	30	0	04DEC18 A	21FEB19 A
4515	Electrical Demo	35	0	04DEC18 A	06DEC18 A
4540	Electrical Rough	25	0	07DEC18 A	11JAN19 A
4545	Instrumentation & Controls	30	10	10DEC18 A	15MAR19
4520	Remove and Rewind Pumps	20	0	14JAN19 A	22JAN19 A
4535	Reinstall Pumps	15	0	22JAN19 A	25JAN19 A
4550	Electrical Final	15	10	14FEB19 A	22MAR19
IMP4580	Remove Pump #3 due to leak in Cooling Jacket	1	0	14FEB19 A	14FEB19 A
IMP4590	CN re Pump#3 & Repair Time at Sanders	10	4	14FEB19 A	07MAR19
IMP4600	Reinstall Pump #3	1	1	08MAR19	08MAR19
4530	Mechanical Final	20	10	18MAR19 A	22MAR19
4555	Start-up / Commissioning	10	10	25MAR19	05APR19
4560	Dismantle Bypass & Temp Ventillation	10	10	03APR19	16APR19
4565	Sitework/Restoration (excludes asphalt apron)	10	10	10APR19	23APR19
4570	Closeout	10	10	24APR19	07MAY19
Phipps Ocean Park Restroom Building					
Preconstruction					
5030	Invitation to Bidders	5	0	01MAR18 A	06MAR18 A
5040	Proposals from Bidders	10	0	06MAR18 A	20MAR18 A
5050	WT Analysis & Submit Proposal to Town/Engineer	5	0	26MAR18 A	05APR18 A
5060	Town Issues PO to WT	10	0	05APR18 A	25APR18 A
Permits					
5070	WT Submit for Town Permit	5	0	25APR18 A	02MAY18 A
5080	Town Permit Issued	20	0	02MAY18 A	29MAY18 A
Procurement					
5100	WT Prepare/Executes PO with CXT	5	0	25MAY18 A	06JUN18 A
5105	WT Issues Contracts to Subcontracts	10	0	29MAY18 A	11JUL18 A
5110	WT Schedule onsite Meeting with CXT	5	0	06JUN18 A	20JUN18 A
5115	Submittals from Subs	10	0	15JUN18 A	28SEP18 A
5120	WT returns Color/Texture & Install Questionnaire	2	0	20JUN18 A	21JUN18 A
5130	CXT Prepares Manuf Instructions (MI) Shops	10	0	06JUL18 A	03AUG18 A
5150	Engineer Reviews Shops/Submittals	10	0	06JUL18 A	28SEP18 A
5155	CXT prepares signed and sealed shops from MI	20	0	03AUG18 A	11SEP18 A
5160	Procure Restroom Building	67	0	11SEP18 A	26OCT18 A
5165	Deliver Restroom Building to Jobsite	5	0	29OCT18 A	30OCT18 A
Construction					
5200	Mobilization	1	0	27JUN18 A	27JUN18 A
5205	Install/Demo Construction Fence	3	0	27JUN18 A	28JUN18 A
5210	Address Overhead Lines in Parking Lot	5	0	27JUN18 A	27JUN18 A
5215	Notify Archaeologist	3	0	28JUN18 A	03JUL18 A
5220	Camera/Sign Removal/Parking Meter Protect	1	0	28JUN18 A	13JUL18 A
5224	Tree Relocation/Protection	5	0	03JUL18 A	03JUL18 A
5226	Landscape Demo & Temp Irrigation	5	0	03JUL18 A	06JUL18 A
5229	Electrical Disconnect/Setup Temp Power	2	0	12JUL18 A	13JUL18 A
5231	Cut & cap existing Plumbing (Water/Sanitary)	2	0	16JUL18 A	17JUL18 A



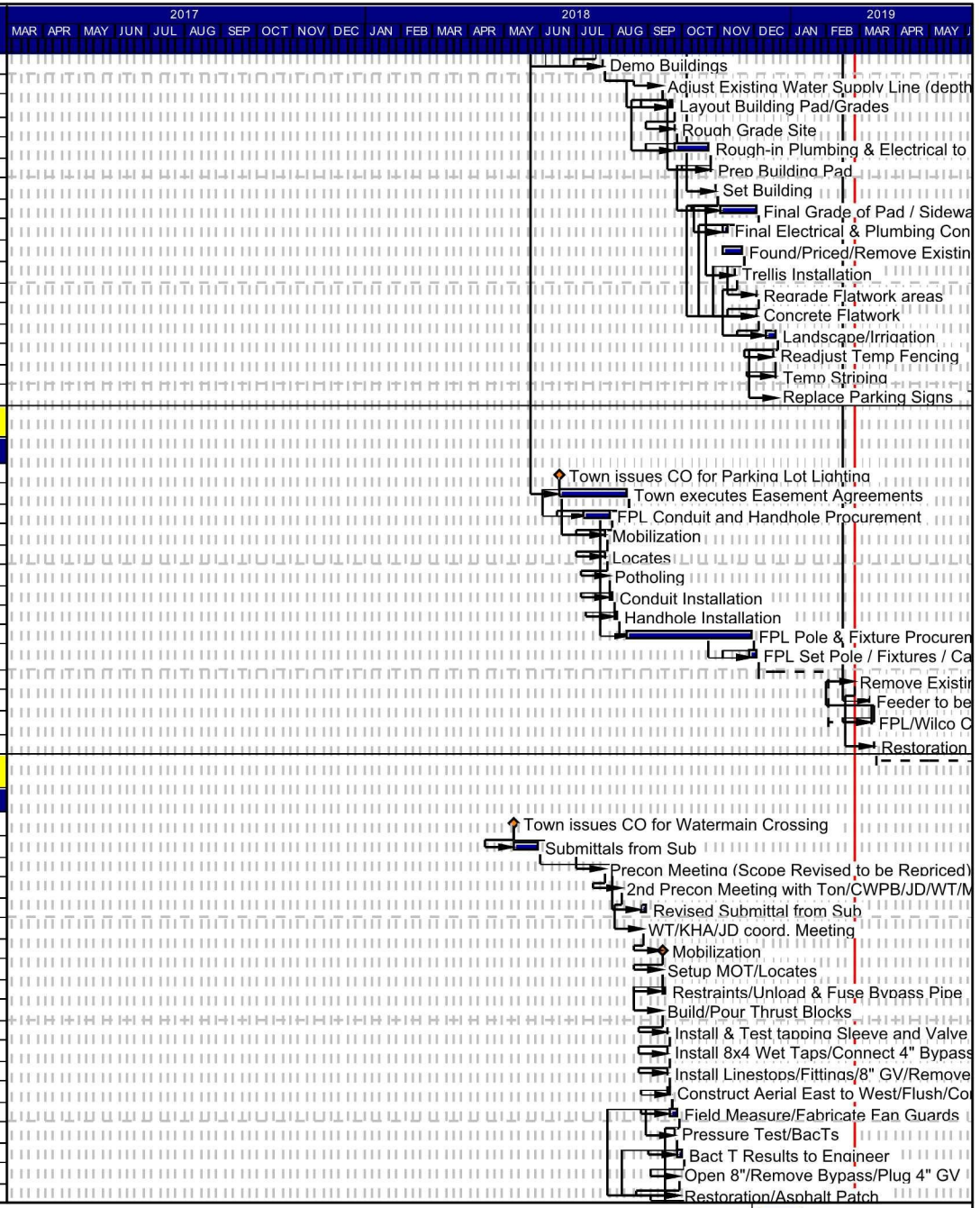
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

Early bar
Progress bar
Critical bar
Summary bar
Start milestone poin
Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
5234	Demo Buildings	3	0	24JUL18 A	26JUL18 A
5237	Adjust Existing Water Supply Line (depth)	3	0	13SEP18 A	14SEP18 A
5239	Layout Building Pad/Grades	1	0	21SEP18 A	24SEP18 A
5350	Rough Grade Site	2	0	24SEP18 A	26SEP18 A
5243	Rough-in Plumbing & Electrical to Building	5	0	25SEP18 A	24OCT18 A
5340	Prep Building Pad	1	0	25OCT18 A	26OCT18 A
5249	Set Building	2	0	30OCT18 A	30OCT18 A
5247	Final Grade of Pad / Sidewalk	1	0	02NOV18 A	05DEC18 A
5255	Final Electrical & Plumbing Connections	3	0	05NOV18 A	09NOV18 A
IMP5281	Found/Priced/Remove Existing Propane Tank	1	0	05NOV18 A	21NOV18 A
5259	Trellis Installation	4	0	14NOV18 A	16NOV18 A
IMP5291	Regrade Flatwork areas	1	0	03DEC18 A	04DEC18 A
5251	Concrete Flatwork	2	0	04DEC18 A	04DEC18 A
5261	Landscape/Irrigation	3	0	11DEC18 A	20DEC18 A
5265	Readjust Temp Fencing	2	0	18DEC18 A	18DEC18 A
5271	Temp Striping	2	0	20DEC18 A	20DEC18 A
5269	Replace Parking Signs	3	0	21DEC18 A	21DEC18 A
Parking Lot Lighting					
5300	Town issues CO for Parking Lot Lighting	0	0	18JUN18 A	
5307	Town executes Easement Agreements	20	0	18JUN18 A	15AUG18 A
5311	FPL Conduit and Handhole Procurement	20	0	09JUL18 A	31JUL18 A
5314	Mobilization	1	0	27JUL18 A	27JUL18 A
5319	Locates	1	0	27JUL18 A	27JUL18 A
5322	Potholing	2	0	30JUL18 A	30JUL18 A
5325	Conduit Installation	5	0	31JUL18 A	03AUG18 A
5328	Handhole Installation	2	0	03AUG18 A	07AUG18 A
5331	FPL Pole & Fixture Procurement	30	0	15AUG18 A	30NOV18 A
5335	FPL Set Pole / Fixtures / Cable	5	0	28NOV18 A	05DEC18 A
5342	Remove Existing Pole / Fixtures	2	0	25FEB19	25FEB19
IMP5349	Feeder to be Energized	1	1	11MAR19	11MAR19
5339	FPL/Wilco Conversions	2	2	12MAR19	13MAR19
5347	Restoration	2	2	14MAR19	15MAR19
Ibis Isle Watermain Crossing					
5400	Town issues CO for Watermain Crossing	0	0	09MAY18 A	
5403	Submittals from Sub	10	0	09MAY18 A	30MAY18 A
5407	Precon Meeting (Scope Revised to be Repriced)	1	0	26JUL18 A	26JUL18 A
5411	2nd Precon Meeting with Ton/CWPB/JD/WT/MR	1	0	10AUG18 A	10AUG18 A
5415	Revised Submittal from Sub	3	0	27AUG18 A	31AUG18 A
5419	WT/KHA/JD coord. Meeting	10	0	28AUG18 A	28AUG18 A
5423	Mobilization	0	0	13SEP18 A	
5429	Setup MOT/Locates	1	0	13SEP18 A	14SEP18 A
5431	Restraints/Unload & Fuse Bypass Pipe	1	0	14SEP18 A	17SEP18 A
5435	Build/Pour Thrust Blocks	1	0	14SEP18 A	14SEP18 A
5439	Install & Test tapping Sleeve and Valve	1	0	18SEP18 A	19SEP18 A
5442	Install 8x4 Wet Taps/Connect 4" Bypass	1	0	18SEP18 A	19SEP18 A
5445	Install Linestops/Fittings/8" GV/Remove LS	1	0	18SEP18 A	19SEP18 A
5449	Construct Aerial East to West/Flush/Connect	3	0	19SEP18 A	21SEP18 A
5458	Field Measure/Fabricate Fan Guards	15	0	21SEP18 A	28SEP18 A
5452	Pressure Test/BacTs	3	0	24SEP18 A	26SEP18 A
5465	Bact T Results to Engineer	2	0	27SEP18 A	02OCT18 A
5471	Open 8"/Remove Bypass/Plug 4" GV	1	0	28SEP18 A	28SEP18 A
5475	Restoration/Asphalt Patch	2	0	28SEP18 A	28SEP18 A



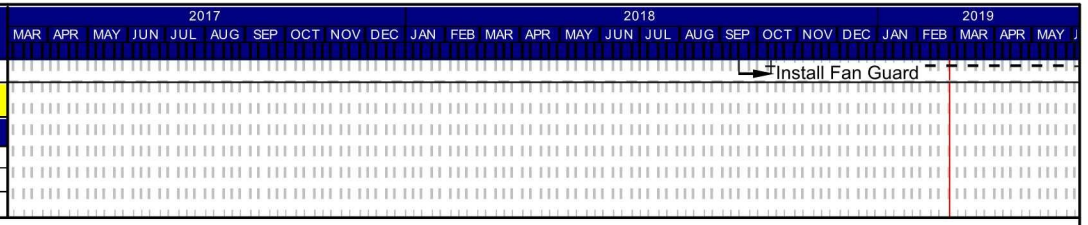
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

Early bar
Progress bar
Critical bar
Summary bar
Start milestone poin
Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
5462	Install Fan Guard	1	0	10OCT18 A	10OCT18 A
6000	Substantial Completion	1	1	05DEC19	05DEC19
6010	Punchlist	0	0	06DEC19	
6020	Final Completion	1	1	06DEC19	06DEC19



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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone poin
- Finish milestone poi

Underground Utility Project Budget
Project Financial Summary
February 28, 2019

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	**$ 12,620,000**	**$ 12,900,000**	$ 12,642,040	$ 11,413,515	**90.3%**
Phase 2	**$ 9,170,000**	**$ 9,710,000**	$ 5,401,525	$ 1,967,630	**36.4%**
Phase 3	**$ 10,910,000**	**$ 11,360,000**	$ 1,222,094	$ 882,995	**72.3%**
Phase 4	**$ 10,370,000**	**$ 10,910,000**	$ 1,306,043	$ 273,367	**20.9%**
Phase 5	**$ 14,090,000**	**$ 14,850,000**	$ 1,529,447	$ 6,649	**0.4%**
Phase 6	**$ 16,820,000**	**$ 17,690,000**	$ -	$ -	
Phase 7	**$ 11,730,000**	**$ 12,220,000**	$ -	$ -	
Phase 8	**$ 12,300,000**	**$ 12,890,000**	$ -	$ -	
Other	**$ 570,000**	**$ 3,680,414**	$ 3,680,414	$ 2,434,002	**66.1%**
Total Project Costs To Date*	**$ 98,580,000**	**$ 106,210,414**	**$ 25,781,563**	**$ 16,978,158**	**65.9%**
* Updated OPC includes estimated AT&T credit					
Total Other Costs Outside Underground Budget			**$ 929,169**	**$ 1,568,006**	**168.8%**
Total Underground Project Costs			**$ 26,710,732**	**$ 18,546,164**	**69.4%**

Opinion of Cost - Master Plan			**98,600,000**
AT&T and Comcast Additional Project Costs			6,700,000
AT&T Credit - TBD			
FPL Credit			(3,300,000)
Total Project Budget			**$ 102,000,000**
% Budgeted/Encumbered To Date Project Costs			**25.28%**
% Spent to Date - Project Costs			**16.65%**

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments		$ 11,591,500	0.0%
Assessment Revenue	$ 9,380,000	$ 8,075,120	86.1%
Commercial Paper	$ -	Paid off w/GO bond	0.0%
Town Owned Property Prepaid Assessments	$ 2,797,291	$ 2,797,291	100.0%
Interest on Assessment Escrow	$ -	$ 340,970	
Interest	$ 12,000	$ 776,709	6472.6%
GO Bond Proceeds	$ 60,500,000	$ 60,499,897	100.0%
1 Cent Sales Tax	$ 2,500,000	$ 1,166,667	46.7%
FPL		$ 418,436	
Other			
Kevin McGann - CO #9		$ 34,900	
Donations - Civic Association	$ 49,250	$ 49,250	100.0%
Transfer from (307) Fund CIP	$ 760,200	$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	$ 265,000	$ 175,000	
Total Project Revenues	**$ 76,263,741**	**$ 86,685,940**	**113.7%**

Underground Utility Project Budget
Phase 1 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Legal Sketch and Description - Easements			34,000	29,215	85.9%
Subtotal Design Phase	***$ 1,330,000***	***$ 1,400,000***	***$ 1,310,829***	***$ 1,306,028***	**99.6%**
Construction Costs					
Phase 1 North Construction					
Preconstruction			**$ 19,720**	19,720	**100.0%**
Burkhardt Construction			**$ 3,598,144**	3,169,654	**88.1%**
Street Light Conversion			**$ 26,273**	28,753	**109.4%**
Change Order for AT&T and Comcast Conduit			**$ 371,201**	371,201	**100.0%**
Utlity Design Costs			**$ 15,595**	15,595	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 476,776**	416,138	**87.3%**
Construction Engineering (KH)			**$ 230,532**	176,957	**76.8%**
	$ 4,210,000	**$ 4,390,000**	**$ 4,738,241**	**$ 4,198,018**	**88.6%**
Phase 1 South Construction					
Preconstruction			**$ 22,200**	22,200	**100.0%**
Whiting Turner Construction			**$ 4,450,977**	3,876,929	**87.1%**
Change Order for AT&T and Comcast Conduit			**$ 125,147**	125,147	**100.0%**
Other Approved Change Orders - Additional soil borings at Ibis Isle			**$ 2,200**	2,200	**100.0%**
Utlity Design Costs			**$ 33,013**	33,013	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 1,374,193**	1,289,694	**93.9%**
Construction Engineering (KH)			**$ 283,880**	252,899	**89.1%**
	$ 6,800,000	**$ 6,830,000**	**$ 6,291,610**	**$ 5,602,082**	**89.0%**
Easement Recording Fees			**$ 347**	$ 665	
Legal Costs/Easement Acquisition - Jones Foster	**$ 280,000**	**$ 280,000**	**$ 301,359**	**$ 306,723**	**101.8%**
Total Phase 1 Costs	**$ 12,620,000**	**$ 12,900,000**	**$ 12,642,040**	**$ 11,413,515**	**90.3%**

Underground Utility Project Budget
Phase 2 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000	360,000	$ 281,304	$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000	420,000	$ 335,353	$ 318,585	95.0%
Task 1.3 Permitting Assistance North and South			$ 12,674	$ 11,407	90.0%
Task 1.4 Bid Phase Assistance North and South			$ 40,565	$ 32,842	81.0%
Task 1.6 Meetings North and South			$ 136,617	$ 90,357	66.1%
Total Phase 2 Design	**$ 735,000**	**$ 780,000**	**$ 806,513**	**$ 734,494**	**91.1%**
Construction Costs					
Phase 2 North Construction					
Preconstruction			**$ 35,000**	31,970	91.3%
Burkhardt Construction			**$ 4,015,865**	831,500	20.7%
Approved Change Orders			**$ -**		
FPL Design Cost			**$ 11,759**	1,350	11.5%
ATT Design Cost			**$ 5,000**		0.0%
Comcast Design Cost				$ 4,582	
Utility Costs (FPL, AT&T)				$ 64,472	
Street Light Conversion			**$ 19,186**	$ 19,186	
Construction Engineering (KH)			**$ 248,121**	$ 73,919	29.8%
Total Phase 2 North Construction	**3,800,000**	**4,000,000**	**$ 4,334,931**	**$ 1,026,979**	**0.0%**
Phase 2 South Construction	**-**				
Preconstruction			**$ 35,000**	-	
Whiting Turner Construction					
Approved Change Orders			**$ -**		
FPL Design Cost			**$ 13,330**	14,200	**106.5%**
ATT Design Cost			**$ 5,000**		
Comcast Design Cost				$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				$ -	
Street Light Conversion				$ 19,268	
Construction Engineering (KH)	-				
Total Phase 2 South Construction	**4,435,000**	**4,730,000**	**$ 53,330**	**$ 38,050**	**71.3%**
Easement Acquisition	**200,000**	**200,000**			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			**$ 64,936**	$ 64,192	98.9%
Task 1.5 Easement Assistance South			**$ 77,466**	$ 74,110	95.7%
Surveys					
Task 1.7 Legal Sketch North			**$ 14,020**	$ 13,818	98.6%
Task 1.7 Legal Sketch South			**$ 16,725**	$ 12,339	73.8%
Advertising				$ 1,101	
Jones Foster - Legal			**$ 25,000**	$ 265	1.1%
American Acquisition Group			**$ -**		
Temp Services			**$ 5,000**		0.0%
Recording Costs			**$ 3,605**	$ 2,283	63.3%
Total Easement Acquisition Costs	**200,000**	**200,000**	**$ 206,752**	**$ 168,107**	**81.3%**
Total Phase 2 Costs	**$9,170,000**	**$9,710,000**	**$ 5,401,525**	**$ 1,967,630**	**36.4%**

Underground Utility Project Budget
Phase 3 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	$ 325,000	$ 350,000	$ 288,851	$ 168,113	58.2%
Task 1.2 Phase 3 South Design	$ 535,000	$ 580,000	$ 503,260	$ 267,477	53.1%
Task 1.3 Permitting Assistance			$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			$ 36,834		0.0%
Task 1.5 Meetings			$ 101,652	$ 9,722	9.6%
Deductive Change Order (Scope Change)			$ (49,840)		0.0%
Total Phase 3 Design	**$ 860,000**	**$ 930,000**	**$ 894,496**	**$ 445,313**	49.8%
Construction Costs					
Phase 3 North Construction	**$ 3,700,000**	**$ 3,850,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 12,850**		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Daniella Construction - Nightingale/LaPuerta - Townwide portion				$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion				$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion				$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion				$ 30,555	
Total Phase 3 North Construction	**$ 3,700,000**	**$ 3,850,000**	**$ 12,850**	**$ 357,810**	0.0%
Phase 3 South Construction	**$ 6,090,000**	**$ 6,320,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 11,359**		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Total Phase 3 South Construction	**$ 6,090,000**	**$ 6,320,000**	**$ 11,359**	**$ -**	0.0%
Easement Acquisition	**$ 260,000**	**$ 260,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			**$ 235,953**	$ 79,795	33.8%
Surveys					
Task Legal Sketch South			**$ 37,436**		
Jones Foster - Legal			**$ 25,000**		
American Acquisition Group					
Temp Services			**$ 5,000**		
Recording Costs				**$ 77**	
Total Easement Acquisition Costs	**$ 260,000**	**$ 260,000**	**$ 303,389**	**$ 79,872**	**26.3%**
Total Phase 3 Costs	**$ 10,910,000**	**$ 11,360,000**	**$ 1,222,094**	**$ 882,995**	**72.3%**

Underground Utility Project Budget
Phase 4 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	$ 402,000	$ 435,000	$ 312,317	$ 109,311	35.0%
Task 1.2 Phase 4 South Design	$ 413,000	$ 435,000	$ 451,284	$ 157,949	35.0%
Task 1.3 Permitting Assistance			$ 14,468	$ -	0.0%
Task 1.4 Bid Phase Assistance			$ 37,899	$ -	0.0%
Task 1.6 Meetings			$ 77,911	$ 3,142	4.0%
Total Phase 4 Design	**$ 815,000**	**$ 870,000**	**$ 893,879**	**$ 270,402**	30.3%
Construction Costs					
Phase 4 North Construction	**4,605,000**	**4,820,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 12,757**		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	**$ 4,605,000**	**$ 4,820,000**	**$ 12,757**	**$ -**	0.0%
Phase 4 South Construction	**4,710,000**	**4,980,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 13,160**		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	**$ 4,710,000**	**$ 4,980,000**	**$ 13,160**	**$ -**	0.0%
Easement Acquisition	**$ 240,000**	**$ 240,000**			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			**$ 280,270**	$ 2,965	1.1%
Easement Assistance (KH) -- Switches			**$ 62,780**		
Surveys					
Legal Sketch			**$ 38,230**		
Legal Sketch - Switches			**$ 4,967**		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				**$ -**	
Total Easement Acquisition Costs	**$ 240,000**	**$ 240,000**	**$ 386,247**	**$ 2,965**	**0.8%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 10,910,000**	**$ 1,306,043**	**$ 273,367**	**20.9%**

Underground Utility Project Budget
Phase 5 Project Costs
February 28, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	$ 520,000	$ 560,000	$ 454,210		0.0%
Task 1.2 Phase 5 South Design	$ 600,000	$ 640,000	$ 606,951	$ 6,070	0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			$ 77,911	$ 252	0.0%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	**$ 1,120,000**	**$ 1,200,000**	**$ 1,194,071**	**$ 6,322**	0.0%
Construction Costs					
Phase 5 North Construction	**$ 5,890,000**	**$ 6,200,000**			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 North Construction	**$ 5,890,000**	**$ 6,200,000**	**$ -**	**$ -**	0.0%
Phase 5 South Construction	**$ 6,750,000**	**$ 7,120,000**			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 South Construction	**$ 6,750,000**	**$ 7,120,000**	**$ -**	**$ -**	**0.0%**
Easement Acquisition	**$ 330,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 218,600**		
Easement Assistance			$ 75,696	$ 250	
Surveys					
Legal Sketch			$ 41,080		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				**$ 77**	
Total Easement Acquisition Costs	**$ 330,000**	**$ 330,000**	**$ 335,376**	**$ 327**	**0.1%**
Total Phase 5 Costs	**$14,090,000**	**$14,850,000**	**$ 1,529,447**	**$ 6,649**	**0.4%**

Underground Utility Project Budget
Other Project Costs
February 28, 2019

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
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	
Community Outreach	**$ 282,519**	$ 201,608	71.4%
Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)	**$ 100,000**	$ 100,000	100.0%
Commercial Paper Issuance Cost		$ 200,675	
Commercial Paper Fees		$ 52,252	
Commercial Paper Interest		$ 243,096	
GO Bond Closing Costs		$ 483,618	
GO Bond Debt Service	**$ 2,700,000**	$ 542,856	
Total Other Project Costs	**$ 3,680,414**	**$ 2,434,002**	**66.1%**

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	**$ 25,231**	$ 24,430	96.8%
Project Construction	**$ 351,081**	$ 295,731	84.2%
Project Construction Engineering	**$ 11,607**	$ 10,562	91.0%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 2,914	87.4%
Total Lake Worth Section	**$ 525,586**	$ 461,168	87.7%
Ibis Way PGD Improvements	**$ 14,583**	$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		$ 183,701	
Kosberg v TPB Legal and Other Costs		$ 430,433	
PBT Real Estate v TPB		$ 124,403	
Gardner, Bist Bowden, Bush (Shef Wright)		$ 24,529	
Project Manager -Pay and benefits	**$ 265,000**	$ 222,245	83.9%
Telecommunications Consultant	**$ 89,000**	$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 23,735	67.8%
Total Related Costs Outside of the Budget	**$ 929,169**	**$ 1,568,006**	**168.8%**

U.S. Rate Forecasts

10-Year Treasury Yield Forecast

Citi forecasts a relatively flat interest rate environment through 2019, while the street's view is slightly more upward sloping



Rate Forecasts

5-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.47%	2.70%	2.70%	2.70%	2.70%	2.70%	2.70%

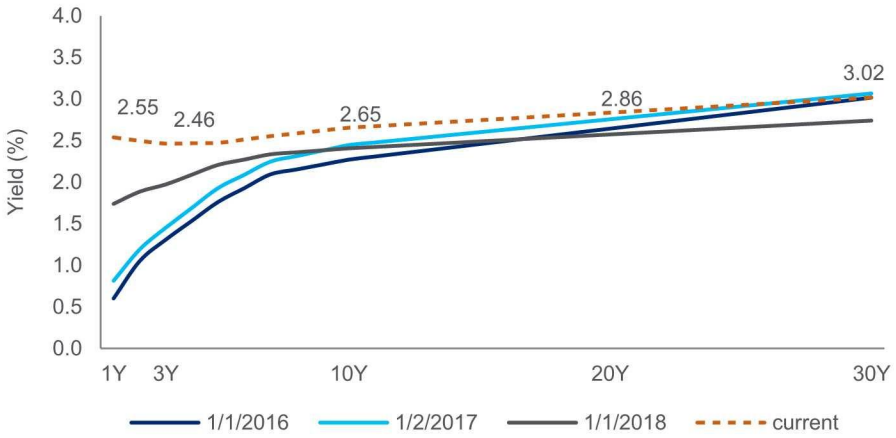
10-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.65%	2.85%	2.85%	2.85%	2.85%	2.85%	2.85%
Economists' Consensus		2.80%	2.91%	3.00%	3.00%	3.00%	3.05%

30-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	3.02%	3.05%	3.05%	3.05%	3.05%	3.05%	3.05%
Economists' Consensus		3.10%	3.17%	3.25%	3.30%	3.34%	3.36%

Fed Funds	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.50%	2.50%	2.75%	3.00%	3.00%	3.00%	3.00%
Economists' Consensus		2.50%	2.75%	2.75%	2.75%	2.75%	2.75%

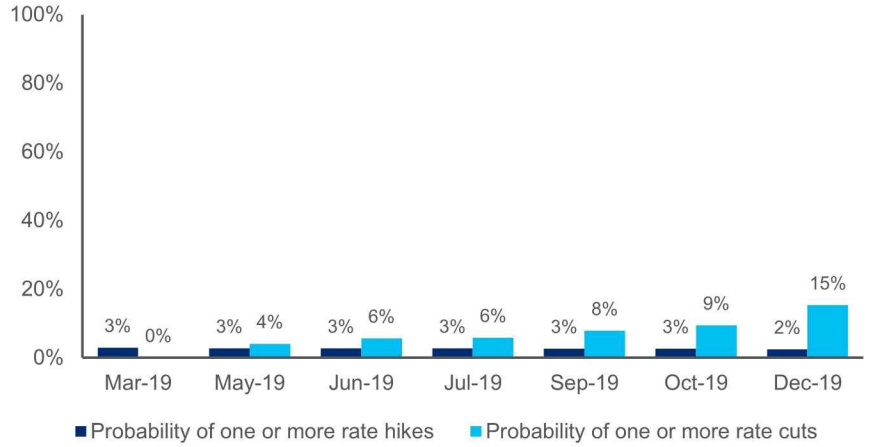
US Treasury Yield Curve

The US Treasury curve bull steepened over the past week



Expectations of Next Fed Increase in Rates

After the December 2018 rate hike and subsequent stock market sell-off, the market is pricing lower implied probabilities of further rate hikes in 2019



Source: Current rates and expectation of Fed hike as of February 22, 2019; Citi forecasts as of February 20, 2019, Bloomberg forecasts as of February 22, 2019.

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Coastal Update:

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

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

ATTACHMENTS:

- **b. Memorandum dated February 27, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **b. Resolution No. 18-2019**
- **b. Waterways Asistance Program**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Florida Inland Navigation District Grant Application for Town Marina Project
Resolution No. 18-2019

DATE: February 27, 2019

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 18-2019, authorizing the Mayor to sign a Resolution supporting the Town's grant application for Florida Inland Navigation District (FIND), funding assistance for the construction costs associated with the Town of Palm Beach Town Docks Replacement Project.

GENERAL INFORMATION

Town staff and consultants met with applicable state and federal permitting agencies in preparation of submitting our environmental permit applications. Town staff additionally met with FIND in an effort to gain support for the placement of the docks. FIND staff informed Town staff that such a project would be eligible for cost sharing with FIND through the Waterways Assistance Program (WAP) per 66B-2.008, Florida Administrative Code (F.A.C.).

According to F.A.C., for financial assistance and support from FIND, eligible governmental agencies shall require equal matching funds, at a minimum, from the project sponsor. The Town's submittal will request 50% cost sharing, or $16.15 million, for the estimated $32.3 million construction cost. Town staff recognizes that each respective county is allotted a certain amount of funding each year for cost sharing through FIND's WAP. This amount will be determined in the summer time prior to the Town's presentation before the commission. Once the amount has been determined, the Town will adjust this request accordingly. The current projection from FIND staff is that projects in Palm Beach County will compete for an allotment of approximately $4 million. Should the Town construct the project during two (2) annual grant cycles, the Town can submit another grant application for additional cost sharing. FIND participation from other marina projects suggest that the cost sharing could be on the order of $1 to $2 million each year for consecutive years totaling $2 to $4 million.

Should the Town be successful in obtaining a FIND cost share, permits must be issued no later than September 15, 2019. On February 22, 2019, state and federal permit applications were submitted to the Florida Department of Environmental Protection (FDEP) and the USACE, respectively. Town staff, with assistance from lobbyists, are expediting the permit process as much as possible. Should it become evident that permits would not be received in time, the Town could withdraw the application and resubmit for the next grant cycle in 2020.

Resolution No. 18-2019 authorizes the Mayor to sign a FIND resolution supporting submittal of the grant application. If Town Council elects not to approve this Resolution, Town staff will notify FIND that we will not move forward with our application for this grant cycle. Should Town Council elect to approve this Resolution, Town staff will submit the grant application before the March 29, 2019 deadline.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager
Jane Le Clainche, Director of Finance

RESOLUTION NO. 18-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A RESOLUTION SUPPORTING A FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANT APPLICATION FOR THE TOWN MARINA PROJECT.

* * * * *

WHEREAS, the Town has designed and is currently permitting a Town Marina project; and

WHEREAS, the Town has identified the Florida Inland Navigation District (FIND) Waterways Assistance Program for possible funding assistance; and

WHEREAS, the Town must include in the funding application a FIND resolution supporting the grant application.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town hereby authorizes the Mayor to execute the attached FIND resolution supporting the grant application.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 19th day of March 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

ATTACHMENT E-7

RESOLUTION FOR ASSISTANCE 2019
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM

WHEREAS, the Town of Palm Beach is interested in carrying out the following described project for the enjoyment of the citizenry of the Town of Palm Beach, Palm Beach County, and the State of Florida:

Project Title: Town of Palm Beach Town Marina

Total Estimated Cost: $32.3 million

Brief Description of Project: The Town of Palm Beach Town Docks is the only public marina on the island of Palm Beach. The Town Docks are located at 320 S. Lake Drive in Palm Beach (Section 50, Township 43 and Range 43) on the east side of the central Lake Worth Lagoon, adjacent to the Intracoastal Waterway. The Town's public docks have been providing dockage for power and sailing yachts since the 1940's. The existing bulkhead and docks are past their design life. The existing docks are not sufficiently meeting the regional demand for large vessel docking. Additionally, the basin will be dredged (deepened) to allow for safe navigation for the vessels using the facility, and

WHEREAS, Florida Inland Navigation District financial assistance is required for the program mentioned above,

NOW THEREFORE, be it resolved by the Town of Palm Beach that the project described above be authorized,

Be it further resolved that said Town of Palm Beach make application to the Florida Inland Navigation District in the amount of 50% of the actual cost of the project in behalf of said Town of Palm Beach, and that the Town certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.

2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Palm Beach for public use.

4. That it will not discriminate against any person on the basis of race, color, or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Town of Palm Beach at a legal meeting held on this 19th day of March, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

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

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- **Memorandum dated March 7, 2019, from Kirk Blouin Town Manager**
- **Navy SEAL Museum Request**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

From: Kirk Blouin, Town Manager

Re: Consideration of Approval of a Navy SEAL Demonstration using a Helicopter in Conjunction with a Charitable Solicitation Permit

Date: March 7, 2019

STAFF RECOMMENDATION

Staff recommends Town Council give consideration to allowing a Navy SEAL demonstration on the grounds of the Mar-a-Lago Club on April 1, 2019, beginning at 7:00 p.m.

GENERAL INFORMATION

The Navy SEAL Museum wishes to conduct a fundraiser on April 1, 2019 at Mar-a-Lago Club. To learn more about the Navy SEAL Museum go to www.NavysealMuseum.org. Should the Town Council wish to accommodate this request the following actions should be considered:

- That portion of Section 14-31 of the Town Code not allowing aircraft to be operated within the police jurisdiction of the Town at an altitude of less than 1000 feet should be waived.

- That portion of Section 14-33 of the Town Code which does not allow an aircraft engine to be operated within the corporate limits between dark and 9:00 a.m. should be waived.

Town resident Rebecca Williams and Navy Seal Museum representative Lieutenant Commander Hector Delgado should be present when this matter is considered by the Town Council.

FUNDING/FISCAL IMPACT

There is no known funding impact to the Town by virtue of this request.

cc: Kirk Blouin, Director of Public Safety
Kathleen Dominguez, Town Clerk
Patricia Gayle-Gordon, Deputy Town Clerk

NAVY·UDT·SEAL MUSEUM

3300 N Highway A1A • Fort Pierce, FL 34949-8520
Phone (772) 595-5845 • Fax (772) 595-5847
www.NavySEALmuseum.org

TOWN OF PALM BEACH

FEB 22 2019

Town Manager's Office

20 February 2019

Mr. Kirk Blouin
Manager, Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Blouin,

We are respectfully requesting to conduct a Navy SEAL demonstration on the grounds of the Mar-a-Lago Club on 1 April 2019, beginning at 7pm. The demonstration will consist of a parachute jump, military working dogs, military mobility equipment and a helicopter fast-roping demonstration. The helicopter will not land on the grounds of Mar-a-Lago Club. This demonstration will be similar to the event held in 2015 and 2017. The Navy SEAL Museum will provide liability insurance with the Town of Palm Beach and Mar-a-Lago Club listed as Additionally Insured.

Please feel free to contact me with any questions or concerns at (757) 635-6002.

Thank you,

R Kaiser

Rick Kaiser, Master Chief SEAL (Ret)
Executive Director, Navy SEAL Museum

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 06-2019 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, by Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Actuarial Impact Statement from Gabriel, Roeder, Smith & Company**
- **Ordinance No. 06-2019**

GRS Retirement Consulting

P: 954.527.1616 | F: 954.525.0083 | www.grsconsulting.com

March 14, 2019

William P. Hanes, Esq.
Administrator
Town of Palm Beach Retirement System
P.O. Box 2112
Palm Beach, FL 33480

Re: Town of Palm Beach Retirement System – Actuarial Impact Statement for Police Officers

Dear Bill:

As requested, we have reviewed the proposed Ordinance which amends Section 82-119, *Deferred retirement option program for police officers*, of the Town's Code of Ordinances with regard to the Town of Palm Beach Retirement System (Plan). We are enclosing an Actuarial Impact Statement showing the impact of the proposed change in Plan provisions on the September 30, 2018 actuarial valuation results for Police Officers.

Please refer to the enclosed exhibits for details. The following is a brief description of the proposed change included in this Actuarial Impact Statement:

- Current Plan – Same plan provisions as described in the September 30, 2018 Actuarial Valuation Report. The maximum participation period in the Deferred Retirement Option Program (DROP) for all Police Officers is 60 months (5 years).
- Plan Change – For any Police Officer who is appointed town manager while participating in the DROP, the maximum participation period in the DROP will be 120 months (10 years).

Summary of Findings

Pension benefits under this Plan are limited by IRC Section 415(b). The 415(b) limitation on annual benefits must be reduced to account for DROP distributions at DROP exit. Future pension benefits which are in excess of the adjusted annual 415(b) limit cannot be paid from this plan and instead will need to be paid from the Preservation of Benefits (Excess) Plan. As a result, the impact of the above Plan Change depends on how long the Town Manager remains in the DROP (and on how large his DROP account balance will be at retirement). The enclosed exhibits present results under four alternative scenarios which assume the Town Manager remains in the DROP for 7, 8, 9 or 10 years.

- As a result of the Plan change, the required employer contribution rate for Police Officers would decrease by up to 1.71% of covered payroll (from 88.27% to 86.56%), or a total dollar amount of $62,007 for the fiscal year ending September 30, 2020 (assuming October 1st payment timing) if the Town Manager were to participate in the DROP for the maximum 10 year period, and his DROP balance earns an average investment return of 6.5% per year.
- As a result of the Plan change, the aggregate funded ratio (actuarial value of assets divided by actuarial accrued liability) for Police Officers would increase by up to 0.5%, from 71.1% to 71.6%, if the Town Manager were to participate in the DROP for the maximum 10 year period. Under this scenario, the unfunded liability would decrease by $694,965.

The following table provides a summary of the results for each scenario:

Scenario	Current Plan Provisions (5 Year DROP Max)	Plan Change with Town Manager Participating in the DROP for:			
		7 Years	8 Years	9 Years	10 Years
Expected Present Value[1] of Benefits for Police Officers to be paid by the Excess Plan	$164,398	$457,675	$596,294	$726,373	$859,363
Increase/(Decrease) from Current Plan Provisions	N/A	$293,277	$431,896	$561,975	$694,965
Retirement System ADC (for Police Officers) for FY2020 if Contributed October 1st	$3,200,781	$3,174,673	$3,161,980	$3,150,377	$3,138,774
Increase/(Decrease) from Current Plan Provisions	N/A	(26,108)	(38,801)	(50,404)	(62,007)

[1]Based on a 7.20% discount rate.

Please note that as of September 30, 2018, there is currently one Police Officer who is an appointed Town Manager and is participating in the DROP. Under the current plan provisions, this member is projected to be in excess of the 415(b) limit when he exits the DROP. No other members are expected to be affected by this proposed Ordinance in the foreseeable future. However if other members become affected in future years, the impact of the plan changes would be greater than presented above.

We have projected the DROP account balance for the affected Police Officer assuming investment earnings in the DROP accrue at a rate of 6.5%per annum. The amount of the DROP distribution is converted to an equivalent annuity, and that amount is used to reduce the limit on future benefits paid from the Town of Palm Beach Retirement System. If actual average DROP account investment earning are higher than 6.5%, the resulting adjusted annual 415(b) limit at DROP exit will be lower and more benefits will be payable from the Excess Plan. We have also projected IRC Section 415 limits into the future assuming annual inflation increases will be 2.0% per year and there will be no changes in the applicable prescribed mortality and segment interest rate assumptions after 2019. Actual published 415(b) limits and applicable segment interest rates and mortality tables will need to be taken into account at retirement.

The present values shown above are based on the interest rate of 7.20% and mortality assumptions used in the September 30, 2018 valuation. If a lower interest rate or higher life expectancy assumption was used, the present values shown above would be higher.

Additional risk assessment beyond the above discussion and the four scenarios enclosed was outside the scope of this assignment. Risk assessment may include additional scenario, sensitivity, or stress tests, stochastic modeling, and a comparison of the present value of benefits at low-risk discount rates. We are prepared to perform such assessment to aid the City in the decision making process. Please refer to the September 30, 2018 Actuarial Valuation Report dated February 26, 2019 for additional discussion regarding the risks associated with measuring the accrued lability and actuarially determined contribution.

Additional Disclosures

This report was prepared at the request of the Plan Administrator and is intended for use by the Town of Palm Beach and the Retirement System and those designated or approved by the Town or the System. This report may be provided to parties other than the System only in its entirety and only with the permission of the Town or Board of Trustees.

The purpose of this report is to describe the expected immediate financial effect of the proposed plan change. This report should not be relied on for any purpose other than the purpose described above.

This report complements the September 30, 2018 Actuarial Valuation Report previously delivered to the Plan Administrator and the Town and should be considered in conjunction with that report. The results in this report are based on census and asset data as of September 30, 2018, as provided by the Plan Administrator for the September 30, 2018 Actuarial Valuation concerning Plan benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We reviewed this information for internal and year-to-year consistency, but did not otherwise audit the data. We are not responsible for the accuracy or completeness of the information provided by the Plan Administrator. Refer to the September 30, 2018 Actuarial Valuation report, dated February 26, 2019, for all actuarial assumptions, methods and disclosures.

The calculations were prepared based on our interpretation of the Retirement System Ordinance, and on what we believe are reasonable approaches to testing benefits under IRC Section 415(b) and the final regulations. We have also assumed that there are no System actuarial equivalence factors for converting the DROP account balance to an equivalent single life annuity because "actuarial equivalent" is not defined in the System Ordinance. However, we are neither tax attorneys nor tax professionals and the above information should not be construed as legal or income tax advice or opinion. There is no guarantee that the IRS would agree with the approaches used. If there is any doubt about these points, legal counsel should be consulted.

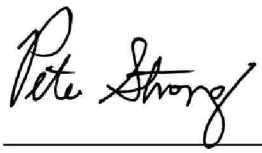
The calculations are based upon assumptions regarding future events, which may or may not materialize. They are also based on the assumptions, methods, and plan provisions outlined in this report. Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions relevant to this proposal are not described, or that conditions have changed since the calculations were made, you should contact the author of the report prior to relying on information in the report.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the Town of Palm Beach Retirement System as of the valuation

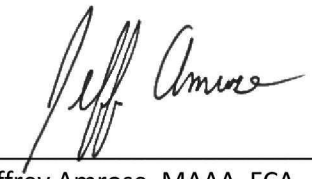
date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

Peter N. Strong and Jeffrey Amrose are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. The signing actuaries are independent of the plan sponsor.

Respectfully submitted,



Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 17-06975



Jeffrey Amrose, MAAA, FCA
Enrolled Actuary No. 17-06599

TOWN OF PALM BEACH RETIREMENT SYSTEM
POLICE OFFICERS

Impact Statement – March 14, 2019

Description of Amendments

The proposed Ordinance amends the Plan as follows:

- For any Police Officer who is appointed town manager while participating in the DROP, the maximum participation period in the DROP is 120 months (10 years).

Funding Implications of Amendment

An actuarial cost estimate is attached.

Certification of Administrator

I believe the amendment to be in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the Constitution of the State of Florida.

_____

For the Board of Trustees
as Plan Administrator

SUPPLEMENTAL ACTUARIAL VALUATION REPORT

Plan

Town of Palm Beach Retirement System – Police Officers

Valuation Date

September 30, 2018

Date of Report

March 14, 2019

Report Requested by

Board of Trustees

Prepared by

Peter N. Strong

Group Valued

All active and inactive Police Officers

Change in Plan Provisions

Present Provision Before Change

The maximum participation period in the Deferred Retirement Option Program (DROP) for all Police Officers is 60 months (5 years).

Proposed Provision After Change

For any Police Officer who is appointed town manager while participating in the DROP, the maximum participation period in the DROP is 120 months (10 years).

Scenarios are presented as if the Town Manager were to remain in the DROP for an additional 2 years (a total of 7 years of DROP participation), 3 years, 4 years, and 5 years (for a maximum participation period of 10 years).

Changes in Actuarial Assumptions and Methods

With the exception of the changes as described above, all other actuarial assumptions and methods are the same as those used in the September 30, 2018 Actuarial Valuation Report.

Some of the key assumptions/methods are:

Investment Return – 7.20% per year

Payroll Growth Assumption – 2.75% per year

Internal Revenue Code (IRC) Section 415 Limitation – IRC Section 415 limits are projected into the future assuming annual inflation increases of 2.0% per year and no changes in the applicable prescribed mortality assumptions. For the purposes of valuing the liability for applicable Plan members whose benefits are currently limited under IRC

Section 415 and who are currently in the DROP, monthly benefit payments and investment earnings will continue to accumulate in the DROP until the assumed DROP exit date. Investment earnings in the DROP are projected to be 6.5% per year for this purpose. The projected DROP distribution is then converted to an equivalent annuity, and that amount is used to reduce the limit on future benefits paid from the System.

Amortization Period for New Changes in Actuarial Accrued Liability

15 years (for changes in plan provisions).

Actuarial Impact of Changes

See attached page(s).

Special Risks Involved with the Changes That the Plan Has Not Been Exposed to Previously

None

ACTUARIALLY DETERMINED CONTRIBUTION (ADC)

A. 1. Valuation Date	September 30, 2018	September 30, 2018	September 30, 2018	September 30, 2018	September 30, 2018
2. Scenario	*Police Officers Valuation (Baseline)*	*Police Officers Plan Change: 7 years in DROP*	*Police Officers Plan Change: 8 years in DROP*	*Police Officers Plan Change: 9 years in DROP*	*Police Officers Plan Change: 10 years in DROP (maximum period)*
B. ADC to Be Paid During Fiscal Year Ending	9/30/2020	9/30/2020	9/30/2020	9/30/2020	9/30/2020
C. Covered Annual Payroll (expected)	$ 3,752,645	$ 3,752,645	$ 3,752,645	$ 3,752,645	$ 3,752,645
D. Annual Payment to Amortize Unfunded Actuarial Liability Rate	79.16 %	78.44 %	78.09 %	77.77 %	77.45 %
As Illutrative $	2,970,594	2,943,575	2,930,440	2,918,432	2,906,424
E. Total Employer Normal Cost Rate	9.58 %	9.58 %	9.58 %	9.58 %	9.58 %
As Illustrative $	359,503	359,503	359,503	359,503	359,503
F. Total Unadjusted Contribution Rate					
Employer Normal Cost	9.58 %	9.58 %	9.58 %	9.58 %	9.58 %
Amortization	79.16	78.44	78.09	77.77	77.45
Total	88.74	88.02	87.67	87.35	87.03
G. Adjustments to Computed Contribution					
a. Town funding for additional premium tax revenue shortfall in prior fiscal year	0.00 %	0.00 %	0.00 %	0.00 %	0.00 %
b. Additional Member Cost Sharing	(0.47)	(0.47)	(0.47)	(0.47)	(0.47)
c. Full funding credit	0.00	0.00	0.00	0.00	0.00
d. Total Adjustments	(0.47)	(0.47)	(0.47)	(0.47)	(0.47)
As Illustrative $	(17,637)	(17,637)	(17,637)	(17,637)	(17,637)
H. Total Adjusted ADC as % of Covered Payroll	88.27 %	87.55 %	87.20 %	86.88 %	86.56 %
I. Total Adjusted ADC as Illustrative $	$ 3,312,460	$ 3,285,441	$ 3,272,306	$ 3,260,298	$ 3,248,290
J. Total Adjusted ADC if Contributed October 1st	$ 3,200,781	$ 3,174,673	$ 3,161,980	$ 3,150,377	$ 3,138,774
K. Increase/(Decrease) from Valuation as % of Covered Payroll	N/A	(0.72) %	(1.07) %	(1.39) %	(1.71) %
as Illustrative $	N/A	$ (27,019)	$ (40,154)	$ (52,162)	$ (64,170)
if Contributed October 1st	N/A	$ (26,108)	$ (38,801)	$ (50,404)	$ (62,007)

ACTUARIAL VALUE OF BENEFITS AND ASSETS

A. 1. Valuation Date	September 30, 2018	September 30, 2018	September 30, 2018	September 30, 2018	September 30, 2018
2. Scenario	*Police Officers Valuation (Baseline)*	*Police Officers Plan Change: 7 years in DROP*	*Police Officers Plan Change: 8 years in DROP*	*Police Officers Plan Change: 9 years in DROP*	*Police Officers Plan Change: 10 years in DROP (maximum period)*
B. Actuarial Present Value of All Projected Benefits for					
1. Active Members					
a. Service Retirement Benefits	$ 14,293,345	$ 14,293,345	$ 14,293,345	$ 14,293,345	$ 14,293,345
b. Vesting Benefits	440,437	440,437	440,437	440,437	440,437
c. Disability Benefits	571,463	571,463	571,463	571,463	571,463
d. Preretirement Death Benefits	309,667	309,667	309,667	309,667	309,667
e. Return of Member Contributions	177,077	177,077	177,077	177,077	177,077
f. Total	15,791,989	15,791,989	15,791,989	15,791,989	15,791,989
2. Inactive Members					
a. Retired Members & Beneficiaries	85,169,729	84,876,452	84,737,833	84,607,754	84,474,764
b. Terminated Vested Members	2,871,039	2,871,039	2,871,039	2,871,039	2,871,039
c. DROP and Share Account Balances	2,713,934	2,713,934	2,713,934	2,713,934	2,713,934
d. Total	90,754,702	90,461,425	90,322,806	90,192,727	90,059,737
3. Total for All Members	106,546,691	106,253,414	106,114,795	105,984,716	105,851,726
C. Actuarial Present Value of Future Normal Costs	5,026,276	5,026,276	5,026,276	5,026,276	5,026,276
D. Actuarial Accrued (Past Service) Liability	101,520,415	101,227,138	101,088,519	100,958,440	100,825,450
E. Plan Assets					
1. Market Value	71,824,909	71,824,909	71,824,909	71,824,909	71,824,909
2. Actuarial Value	72,220,886	72,220,886	72,220,886	72,220,886	72,220,886
F. Unfunded Actuarial Accrued Liability:	29,299,529	29,006,252	28,867,633	28,737,554	28,604,564
Change in UAAL from Baseline		(293,277)	(431,896)	(561,975)	(694,965)
G. Funded Ratio: E2/D	71.1 %	71.3 %	71.4 %	71.5 %	71.6 %
H. Actuarial Present Value of Projected Covered Payroll	32,552,020	32,552,020	32,552,020	32,552,020	32,552,020
I. Actuarial Present Value of Projected Member Contributions	3,255,202	3,255,202	3,255,202	3,255,202	3,255,202
J. Accumulated Value of Active Member Contributions	2,053,166	2,053,166	2,053,166	2,053,166	2,053,166

CALCULATION OF EMPLOYER NORMAL COST

	September 30, 2018 *Police Officers Valuation*		September 30, 2018 *Police Officers Plan Change*	
A. Valuation Date				
B. Normal Cost for				
1. Service Retirement Benefits	$ 423,565	11.76%	$ 423,565	11.76%
2. Vesting Benefits	33,403	0.93%	33,403	0.93%
3. Disability Benefits	48,287	1.35%	48,287	1.35%
4. Preretirement Death Benefits	26,438	0.74%	26,438	0.74%
5. Return of Member Contributions	44,728	1.24%	44,728	1.24%
6. Total for Future Benefits	576,421	16.02%	576,421	16.02%
7. Assumed Amount for Administrative Expenses	128,129	3.56%	128,129	3.56%
8. Total Normal Cost	704,550	19.58%	704,550	19.58%
C. Expected Member Contribution	359,914	10.00%	359,914	10.00%
D. Employer Normal Cost: B8-C	344,636	9.58%	344,636	9.58%
E. Employer Normal Cost as a % of Covered Payroll	9.58 %		9.58 %	

PARTICIPANT DATA		
	September 30, 2018 *Police Officers* *Valuation*	September 30, 2018 *Police Officers* *Plan Change*
ACTIVE MEMBERS		
Number	50	50
Covered Annual Payroll	$ 3,603,005	$ 3,603,005
Average Annual Payroll	$ 72,060	$ 72,060
Average Age	38.5	38.5
Average Past Service	7.3	7.3
Average Age at Hire	31.2	31.2
RETIREES, BENEFICIARIES & DROP		
Number	98	98
Annual Benefits	$ 5,841,903	$ 5,841,903
Average Annual Benefit	$ 59,611	$ 59,611
Average Age	64.3	64.3
DISABILITY RETIREES		
Number	5	5
Annual Benefits	$ 175,679	$ 175,679
Average Annual Benefit	$ 35,136	$ 35,136
Average Age	55.4	55.4
TERMINATED VESTED MEMBERS		
Number	24	24
Annual Benefits	$ 287,010	$ 287,010
Average Annual Benefit	$ 11,959	$ 11,959
Average Age	45.6	45.6

ORDINANCE NO. 06-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION IV, POLICE OFFICERS, BY AMENDING SECTION 82-119, DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers, Section 82-119 "Deferred retirement option program for police officers" by creating a new subsection (j) to read as follows:

Sec. 82-119. - Deferred retirement option program for police officers.

* * *

(j) Notwithstanding any other provision of this section, for any member who is appointed town manager while participating in the DROP, participation in the DROP may not exceed a maximum of 120 months from the date of DROP entry, and any application or other document concerning such member's DROP participation shall be revised accordingly.

* * *

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of February, 2019, and for second and final reading on this 19th day of March, 2019.

Gail L. Coniglio, Mayor	Town Council President
	Council President Pro Tem
	Town Council Member
ATTEST:	Town Council Member
Kathleen Dominguez, Town Clerk	Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated March 7, 2019, from Josh Martin, Director of Planning, Zoning & Building**
- **Ordinance No. 21-2018**
- **E-mail from Sanchez**
- **Memorandum Dated February 2, 2019, from Jay Boodheshwar, Deputy Town Manager**
- **Chapter 66 Proposed Feb 2**
- **Proposed Jan 11 with input**
- **Amendments Email and Attachments**
- **Input Received**
- **Research**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

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

Re: Proposed Modifications to Chapter 66 of the Town Code of Ordinances
Ordinance 21-2018

Date: March 7, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 21-2018, amending Chapter 66 – Natural Resource Protection, of the Town Code of Ordinances, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

At the November 13, 2018 Town Council meeting, the ORS Committee recommended the following amendments to Town Council for consideration:

- The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general;
- The second amendment at Section 66-212 proposes revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3));
- The fourth amendment at Article IV, subsection (5) relates to mulching and is aimed at environmental protection; and
- The final amendment which is deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, is at Section 66-311 and includes a new subsection (d) which provides that the planting of ficus benjamina shall be prohibited, except in instances where it is being planted to fill in hedge material.

The Town Council did not take action on the aforementioned amendments and asked Staff to review the proposed amendments once more and provide a revised, recommended list of amendment to the ORS committee during its December 2018 meeting.

At the December 5, 2018 meeting of the ORS, Staff prepared a revised set of amendments to Chapter 66 as follows:

- The first amendment at Article II, related to the incorporation of revised definitions related to Natural Resource Protection in general that pertain to the other amendments in the attached document;
- The second amendment at Section 66-212 proposed revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposed general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25% as a result of Town Council direction during its November 13, 2018 meeting. This amendment also included the prohibition of hat racking of trees following Staff review of the subject matter. Staff has reviewed how other local municipalities handle the hat racking of trees and recommends that the practice of hat racking be prohibited. This practice is harmful to the tree and is aesthetically unpleasing. The practice also leaves the tree more vulnerable to storms due to its decrease in overall health;
- The fourth amendment at Article IV, subsection (5) related to mulching and was aimed at environmental protection. This amendment specifically prohibited the use of Cypress mulch and dyed mulches; and
- The final amendment, which was deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, was at Section 66-311 and included a new subsection (d), which prohibits the planting of ficus benjamina.

Moreover, Staff conducted a review of the topic of shade trees and has researched how other upscale south Florida municipalities address shade trees in their development code. For the communities that do require shade trees, the intent is to bolster a community's tree canopy and to limit the number of palm trees per property. Staff believes that the Town has a very healthy canopy condition, well in excess of the requirements of the studied municipalities, and that the limiting of a property's palm trees in not in the interest of the community. As a result, Staff recommends against any regulations concerning shade trees be included in the amendments to Chapter 66.

At its December 5, 2018 meeting, the ORS voted to recommend only the amendment related to ficus benjamina to Town Council for consideration. Additionally, the ORS requested input from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals) to review during the February 7, 2019 meeting. On Friday, January 11, 2019, Staff circulated the proposed amendments to The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals) and received input from each of the aforementioned groups as well as The Preservation Foundation of Palm Beach (input attached for your review). An annotated version of the Ordinance that was circulated for review is included

for your review, which contains all of the comments received correlated to the pertaining section of the ordinance. Finally, Staff prepared a revised version of ordinance that reflects these recommendations from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals), and The Preservation Foundation of Palm Beach and is included for your review.

At its February 7, 2019 meeting, the ORS voted to recommend the attached, proposed ordinance (Ordinance No. 21-2018) that incorporates input from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals), and The Preservation Foundation of Palm Beach, which includes amendments as follows:

- The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general that pertain to the other amendments in the attached document;
- The second amendment at Section 66-212 proposes revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25%. This amendment also includes the prohibition of hatracking of trees, while allowing for the pollarding of trees;
- The fourth amendment at Article IV, subsection (5) relates to mulching and environmental protection. This amendment specifically prohibits the use of Cypress mulch, pine mulch, and dyed mulches; and
- The final amendment, which was deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, resides at Section 66-311 and includes a new subsection (d), which prohibits the planting of ficus benjamina. Moreover, this section encourages the planting of appropriate native vegetation in a hedge or hedgerow.

At last, subsequent to the February 7, 2019 ORS meeting, Staff received input from Jorge Sanchez via email dated February 15, 2019, requesting further clarification on the native vegetation requirement so that the native planting requirement may also include cultivars of native species. Mr. Sanchez' email is attached for your review.

Attachments

cc: John C. Randolph, Town Attorney

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

"**Sec. 66-2. - Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball.

~~*Evapotranspiration-based controller* means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

~~(1) Receives and monitors weather data or on-site environmental conditions;~~

~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~

~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~organic, arsenic free material such as wood chips~~, pine straw or bark~~ placed on the soil to reduce evaporation, prevent soil erosion, control weeds and buffer

soil temperature. ~~and synthetic materials customarily used in landscape design to retard erosion and retain moisture.~~

Native plant community is a natural association of plants dominated by one or more prominent native plant species.

Native plant species shall be the plant species indigenous to the ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.

Pollarding is a pruning system involving the removal of the upper branches of a tree thus promoting a dense head of foliage and branches.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

"DIVISION 1. - GENERALLY

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(1) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests, such as whitefly.
(2) Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife and to eliminate or significantly reduce the need for fertilizers, pesticides and water
(3) ~~Promote water conservation and~~Improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
(4) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
(5) Improve the environmental quality of the town.
(6) Eradicate ~~or control certain~~ Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as listed on the most current Florida Exotic Pest Plant Council's List of Invasive Plant Species.
(7) Protect and encourage native shoreline and wetland ecosystems.
(8) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
(9) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.

(10) Reduce noise and pollution by designing landscaping to visually screen unsightly views and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
(11) Provide a visual buffer between otherwise incompatible types of land uses.
(12) Strengthen important vistas and reinforce desirable site design.
(13) Promote energy conservation by encouraging cooling through the use of vegetation that creates shade.
(14) Encourage the use of rain harvesting systems, such as cisterns, as a means to conserve water by reducing overwatering of landscapes.
(15) Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

(1). At least 25 percent (25%) of all required landscaping, in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. To determine appropriate native vegetation the Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used.
(2) The hatracking of trees is prohibited; however pollarding is permitted.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

(5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product or alternative mulches such as eucalyptus, pine needles, pine finds, oak leaf, Atlas grow soil, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch, pine mulch, and dyed mulches is prohibited.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

(d) *Prohibition of ficus benjamina.* Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed. The planting of appropriate native vegetation in a hedge or hedgerow is encouraged.

(e~~d~~) Protection of natural area and incentives. The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(f~~e~~) Enforcement. Violations of this section shall be:

(1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.

(2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

Section 7. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 8. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 19th day of March, 2019, and for second and final reading on this _____ day of _____, 2019.

_____
Gail L. Coniglio, Mayor

_____
Town Council President

_____
Council President Pro Tem

_____
Town Council Member

ATTEST:

_____
Town Council Member

_____
Kathleen Dominguez, Town Clerk

_____
Town Council Member

From:	Joshua Martin
To:	Joshua Martin
Cc:	Joshua Martin
Subject:	RE: Proposition 66
Date:	Thursday, March 07, 2019 11:26:49 AM

From: Jorge Sanchez <jorge@smila.net>
Sent: Friday, February 15, 2019 3:24 PM
To: Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: RE: Proposition 66

Josh,
On a separate note, in "my book" 25% native planting includes cultivars of natives. When we designed Pan's Garden the central area, which we called the "civilized area", was for cultivars with the objective of residents seeing them & using them.
Could you insert the word Cultivars in Proposition 66? My fear is that some radical in years to come might interpret it as only pure natives only. That is what took place with the 2" water retention. Since inception it did not affect certain small areas of the street side of properties, until a couple of years ago that some yahoo in town decided he was bored & interpreted it as 100%.
Hope you can,
Jorge

Jorge A. Sanchez
SMI Landscape Architecture, Inc.
140 Royal Palm Way # 206
Palm Beach, FL 33480
(561) 655-9006
www.smilandscapearchitecture.com

Recipient of the Arthur Ross Award

From: Joshua Martin <jmartin@TownOfPalmBeach.com>
Sent: Monday, February 11, 2019 10:24 AM
To: Jorge Sanchez <jorge@smila.net>
Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: RE: Proposition 66

Jorge:

Good morning. I hope this email finds you well and that you had a good weekend.

Per your request below, please see attached.

If you have any questions, please let me know.

Thank you sir!

Respectfully,
Josh

Josh Martin, AICP, CNU-A
Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6401
Mobile: 843-247-2057
www.townofpalmbeach.com

From: Jorge Sanchez <jorge@smila.net>
Sent: Monday, February 11, 2019 9:46 AM
To: Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: Proposition 66

Josh,
Would you forward me the final version of Proposition 66?
Many thanks,
Jorge

Jorge A. Sanchez
SMI Landscape Architecture, Inc.
140 Royal Palm Way # 206
Palm Beach, FL 33480
(561) 655-9006
www.smilandscapearchitecture.com

Recipient of the Arthur Ross Award

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: February 7, 2019

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Further Discussion and Review of Proposed Changes to Chapter 66 of the Town Code

Date: February 2, 2019

STAFF RECOMMENDATION

Staff requests direction from the Ordinance, Rules, and Standards (ORS) Committee regarding revisions to Chapter 66 of the Town Code.

GENERAL INFORMATION

At the November 13, 2018 Town Council meeting, the ORS Committee recommended the following amendments to Town Council for consideration:

- The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general;
- The second amendment at Section 66-212 proposes revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3));
- The fourth amendment at Article IV, subsection (5) relates to mulching and is aimed at environmental protection; and
- The final amendment which is deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, is at Section 66-311 and includes a new subsection (d) which provides that the planting of ficus benjamina shall be prohibited, except in instances where it is being planted to fill in hedge material.

The Town Council did not take action on the aforementioned amendments and asked Staff to review the proposed amendments once more and provide a revised, recommended list of amendment to the ORS committee during its December 2018 meeting.

At the December 5, 2019 meeting of the ORS, Staff prepared a revised set of amendments to Chapter 66 as follows:

- The first amendment at Article II, related to the incorporation of revised definitions related to Natural Resource Protection in general that pertain to the other amendments in the attached document;
- The second amendment at Section 66-212 proposed revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article;
- The third amendment at Section 66-285 (currently a revised section in the ordinance) proposed general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)) of 25% as a result of Town Council direction during its November 13, 2018 meeting. This amendment also included the prohibition of hat racking of trees following Staff review of the subject matter. Staff has reviewed how other local municipalities handle the hat racking of trees and recommends that the practice of hat racking be prohibited. This practice is harmful to the tree and is aesthetically unpleasing. The practice also leaves the tree more vulnerable to storms due to its decrease in overall health;
- The fourth amendment at Article IV, subsection (5) related to mulching and was aimed at environmental protection. This amendment specifically prohibited the use of Cypress mulch and dyed mulches; and
- The final amendment, which was deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, was at Section 66-311 and included a new subsection (d), which prohibits the planting of ficus benjamina.

Moreover, Staff conducted a review of the topic of shade trees and has researched how other upscale south Florida municipalities address shade trees in their development code. For the communities that do require shade trees, the intent is to bolster a community's tree canopy and to limit the number of palm trees per property. Staff believes that the Town has a very healthy canopy condition, well in excess of the requirements of the studied municipalities, and that the limiting of a property's palm trees in not in the interest of the community. As a result, Staff recommends against any regulations concerning shade trees be included in the amendments to Chapter 66.

At its December 5, 2018 meeting, the ORS voted to recommend only the amendment related to ficus benjamina to Town Council for consideration. Additionally, the ORS requested input from The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals) to review during the February 7, 2019 meeting. On Friday, January 11, 2019, Staff circulated the proposed amendments to The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals) and received input from each of the aforementioned groups as well as The Preservation Foundation of Palm Beach (input attached for your review). An annotated version of the Ordinance that was circulated for review is included for your review, which contains all of the comments received correlated to the pertaining section of the ordinance. Finally, Staff has prepared a revised version of ordinance that reflects these recommendations from The Garden Club of Palm Beach,

Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects (landscape design professionals), and The Preservation Foundation of Palm Beach and is included for your review. Staff is seeking a recommendation that the proposed changes to Chapter 66 be drafted into an ordinance and heard by Town Council.

CC: Kirk Blouin, Town Manager
Josh Martin, Director of Planning, Zoning, and Building
John C. Randolph, Town Attorney

ORDINANCE NO. __-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

"**Sec. 66-2. - Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball

~~*Evapotranspiration based controller* means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

~~(1) Receives and monitors weather data or on-site environmental conditions;~~

~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~

~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~organic, arsenic free material such as wood chips~~, pine straw or bark~~ placed on the soil to reduce evaporation, prevent soil erosion, control weeds and buffer soil

temperature. ~~and synthetic materials customarily used in landscape design to retard erosion and retain moisture.~~

Native plant community is a natural association of plants dominated by one or more prominent native plant species, or a characteristic physical attribute as indicated by the Town of Palm Beach.

Native plant species shall be the plant species indigenous to the ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.

Pollarding is a pruning system involving the removal of the upper branches of a tree thus promoting a dense head of foliage and branches.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

"DIVISION 1. - GENERALLY

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(1) ~~Promote water conservation and~~Improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
(2) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
(3) Improve the environmental quality of the town.
(4) Eradicate ~~or control certain~~ Category I invasive exotic plant species and eradicate or control and eradicate or control Category II invasive exotic plant species as listed on the most current Florida Exotic Pest Plant Council's List of Invasive Plant Species.
(5) Protect and encourage native shoreline and wetland ecosystems.
(6) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
(7) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.
(8) Reduce noise and pollution by designing landscaping to visually screen unsightly views, and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
(9) Provide a visual buffer between otherwise incompatible types of land uses,
(10) Strengthen important vistas and reinforce desirable site design.

(11) Promote the use of vegetation for energy conservation by encouraging cooling through the provisions of shade and channeling of breezes.
(12) Encourage the use of rain harvesting systems such as cisterns, as a means to conserve water by reducing overwatering of landscapes.
(13) Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.
(14) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests such as whitefly infestations.
(15) Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife, and to eliminate or significantly reduce the need for fertilizers, pesticides and water.

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

(1). At least 25 percent (25%) of all required landscaping, by category in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. The Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used to determine appropriate native vegetation.
(2) The hatracking of trees is prohibited.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

(5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product or alternative mulches such as eucalyptus, pine needles, pine finds, oak leaf, Atlas grow soil, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch and dyed mulches are prohibited.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

(d) *Prohibition of ficus benjamina.* Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed.

(e~~d~~) Protection of natural area and incentives. The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(f~~e~~) Enforcement. Violations of this section shall be:

(1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.

(2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

Section 7. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 8. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

"**Sec. 66-2. - Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball

~~*Evapotranspiration based controller* means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

~~(1) Receives and monitors weather data or on-site environmental conditions;~~

~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~

~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat-racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~organic, arsenic free material such as wood chips~~, pine straw or bark~~ placed on the soil to reduce evaporation, prevent soil erosion, control weeds and buffer soil

temperature. ~~and synthetic materials customarily used in landscape design to retard erosion and retain moisture.~~

Native plant community is a natural association of plants dominated by one or more prominent native plant species, or a characteristic physical attribute as indicated by the Town of Palm Beach.

Native plant species shall be the plant species indigenous to the ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.

COMMENTS RECEIVED:

- **Landscape Architects/Design Professionals:** No comments received on this section.
- **The Garden Club of Palm Beach:** No comments received on this section.
- **Palm Beach Civic Association Town Beautification Committee:** "We concur with the clarification of definitions in this section."
- **The Preservation Foundation of Palm Beach:** No comments received on this section.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

"DIVISION 1. - GENERALLY

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(1) ~~Promote water conservation and~~Improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
(2) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
(3) Improve the environmental quality of the town.
(4) Eradicate or control ~~certain~~ invasive exotic plant species as listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species.
(5) Protect and encourage native shoreline and wetland ecosystems.
(6) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
(7) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.

(8) Reduce noise and pollution by designing landscaping to visually screen unsightly views, and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
(9) Provide a visual buffer between otherwise incompatible types of land uses,
(10) Strengthen important vistas and reinforce desirable site design.
(11) Promote the use of vegetation for energy conservation by encouraging cooling through the provisions of shade and channeling of breezes.
(12) Encourage the use of rain harvesting systems such as cisterns, as a means to conserve water by reducing overwatering of landscapes.
(13) Promote water conservation and lower water costs through the use of smart irrigation systems.
(14) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests such as whitefly infestations.
(15) Promote the planting of native vegetation to encourage the presence of birds and wildlife.

COMMENTS RECEIVED:

- **Landscape Architects/Design Professionals:** No comments received on this section.
- **The Garden Club of Palm Beach:** No comments received on this section.
- **Palm Beach Civic Association Town Beautification Committee:** "We concur with these revisions."
- **The Preservation Foundation of Palm Beach:** "**4)** Regarding invasive plants. The FLEPPC list contains Category I and Category II invasive exotic plants. "Invasive exotic plants are termed **Category I** invasives when they are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused. **Category II** invasive exotics have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by **Category I** species. These species may become **Category I** if ecological damage is demonstrated.' https://www.fleppc.org/list/list.htm
    - Suggested wording: *Eradicate category I invasive exotic plant species and eradicate or control category II invasive exotic plant species as listed on the most current Florida Exotic Pest Plant Council's List of Invasive Plant Species.*

13) Water conservation is also achieved by using native plants in the landscape and is recommended by the Environmental Protection Agency.
https://www.epa.gov/watersense/what-plant
https://archive.epa.gov/greenacres/web/html/factsht.html
- Suggested wording: *Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.*

15) Planting appropriate native vegetation has many benefits in addition of birds and wildlife. Again, from the EPA factsheet linked above:

Why Should I Use Native Plants?
Native plants provide a beautiful, hardy, drought resistant, low maintenance landscape while benefiting the environment. Native plants, once established, save time and money by eliminating or significantly reducing the need for fertilizers, pesticides, water and lawn maintenance equipment.
Native plants do not require fertilizers. Vast amounts of fertilizers are applied to lawns. Excess phosphorus and nitrogen (the main components of fertilizers) run off into lakes and rivers causing excess algae growth. This depletes oxygen in our waters, harms aquatic life and interferes with recreational uses.
Native plants require fewer pesticides than lawns. Nationally, over 70 million pounds of pesticides are applied to lawns each year. Pesticides run off lawns and can contaminate rivers and lakes. People and pets in contact with chemically treated lawns can be exposed to pesticides.
Native plants require less water than lawns. The modern lawn requires significant amounts of water to thrive. In urban areas, lawn irrigation uses as much as 30% of the water consumption on the East Coast and up to 60% on the West Coast. The deep root systems of many native Midwestern plants increase the soil's capacity to store water. Native plants can significantly reduce water runoff and, consequently, flooding.
Native plants help reduce air pollution. Natural landscapes do not require mowing. Lawns, however, must be mowed regularly. Gas powered garden tools emit 5% of the nation's air pollution. Forty million lawnmowers consume 200 million gallons of gasoline per year. One gas-powered lawnmower emits 11 times the air pollution of a new car for each hour of operation. Excessive carbon from the burning of fossil fuels contributes to global warming. Native plants sequester, or remove, carbon from the air.
Native plants provide shelter and food for wildlife. Native plants attract a variety of birds, butterflies, and other wildlife by providing diverse habitats and food sources. Closely mowed lawns are of little use to most wildlife.
Native plants promote biodiversity and stewardship of our natural heritage. In the U.S., approximately 20 million acres of lawn are cultivated, covering more land than any single crop. Native plants are a part of our natural heritage. Natural landscaping is an opportunity to reestablish diverse native plants, thereby inviting the birds and butterflies back home.
Native plants save money. A study by Applied Ecological Services (Brodhead, WI) of larger properties estimates that over a twenty year period, the cumulative cost of

maintaining a prairie or a wetland totals $3,000 per acre versus $20,000 per acre for non-native turf grasses.

- Suggested wording: *Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife, and to eliminate or significantly reduce the need for fertilizers, pesticides and water."*

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

(1). At least 25 percent (25%) of all required landscaping, by category in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. The Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used to determine appropriate native vegetation.

(2) The hatracking of trees is prohibited.

COMMENTS RECEIVED:

- **Landscape Architects/Design Professionals:** Regarding (1): "I would suggest going into this realm slowly. Possibly having a 15% native vegetation requirement. Let's not forget that PB was created as a Long Islander's dream of the Tropics; not Native. Let's not try to change our history too fast. Don't forget the obvious: 25% of anything is an entire quarter of everything." Regarding (2): "Along with a definition of Hatracking there should be one for Pollarding. The latter has been used in the best examples of gardens for over a couple of thousand years. We should not outlaw it."
- **The Garden Club of Palm Beach:** "The Garden Club of Palm Beach wishes to extend its support of the 25% native plant requirement, not using Cypress mulch or dyed mulch, banning the use of Ficus Benjamina for new hedges and the proper pruning of trees."
- **Palm Beach Civic Association Town Beautification Committee:** "We concur with having a minimum of 25% of native plants included in all landscaping projects on the island is progressive and critical to improve sustainability, reduce the amount of pesticides used and attract birds/butterflies/honeybees and other pollinators. The selective use of native plants will not negatively impact the aesthetics of landscaping and garden projects on the island. Pan's and the Mounts Botanical Gardens are role model examples of how native plants can be used and selected to achieve formal and attractive landscaping preferred by some residents in Palm Beach. We concur with prohibiting hat racking. It would be beneficial to better define hat racking as the practice of removing whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader. We recommend instead of hat racking to use selective pruning and thinning methods in accordance with ANSI A300 Standards to ensure the health of the tree and allow for more

light penetration and air circulation. Hat racking can damage the bark of the tree and the substantial loss of leaves reduce the tree's ability to photosynthesize and produce food. When a tree is topped many new shoots or suckers begin to grow from the wound. This type of growth attracts insects and other pathogens that can directly enter the open wound and eventually kill the tree."

- **The Preservation Foundation of Palm Beach:** "An excellent resource for appropriate native plants is the Institute for Regional Conservation website, specifically "Natives for Your Neighborhood". https://www.regionalconservation.org/beta/nfyn/. I am very pleased to see the town move toward requiring a percentage of native plants, joining the numerous counties and municipalities in the state that have done the same. Some of the municipalities with native plant requirements: Brevard, Dade County, Indian River County, Islamorada, Key Colony Beach, Key West, Lee County, Manatee County, Marathon, Martin County, Monroe County, Miami, Ocoee, Palm Beach County, Pasco County, Polk County, St Lucie County, West Palm Beach. Hat racking is a damaging tree-trimming practice in any locale, even more treacherous in coastal Palm Beach with high winds. The recent Palm Beach Daily News article addressed the issues very well. https://www.palmbeachdailynews.com/lifestyles/home/why-hatracking-weakens-trees/YTh8IPtHU7lLPTuIPdUYcP/."

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

(3) *Required vegetation.* The following vegetation is required. The nine principles of Florida Friendly landscaping shall be utilized.

c. Trees.

1. A minimum of one shade/canopy tree is required for every 5,000 square feet, or portion thereof, of a lot, for lots 10,000 square feet or more.
2. A minimum of one shade/canopy tree is required for lots less than 10,000 square feet.
3. Every effort should be utilized to reduce the risk of damage and liability by utilizing more salt tolerant and wind tolerant trees and palms due to the town's coastal proximity and the high risk of hurricanes in South Florida.
4. The selection and placement of all street trees must refer and adhere to the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach.

(5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product

or alternative mulches such as eucalyptus, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch and dyed mulches are prohibited.

COMMENTS RECEIVED:

- **Landscape Architects/Design Professionals:** Regarding (3): "I feel this is a good intention but, again, one that crosses the line here in town. Independence in design is what makes our town's gardens the example to every other town. Forcing residents to do this is not correct. I took the time to look at the following addresses: 1139 North Ocean Blvd, 277 Pendleton Ave, 229 Barton Ave, 1490 Via Manana, 2335 South Ocean Blvd, 212 Caribbean Rd. I think I can safely say that not one of those properties meet this requirement. Much less most of our Town's properties: public beach; Royal Poinciana Way; Royal Palm Way. The list could go on. Let's make sure we know what we are going to force residents to do." Regarding (4)—suggested the following rewording: "Appropriate mulching material consists of by-product or alternative mulches such as eucalyptus, pine needles, pine finds, oak leaf, Atlas grow soil, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch and dyed mulches are prohibited."
- **The Garden Club of Palm Beach:** "The Garden Club of Palm Beach wishes to extend its support of the 25% native plant requirement, not using Cypress mulch or dyed mulch, banning the use of Ficus Benjamina for new hedges and the proper pruning of trees."
- **Palm Beach Civic Association Town Beautification Committee:** "We concur with the proposed minimum standards for the inclusion of shade tree canopy trees in new landscape projects. According to University of Florida IFAS, shade trees reduce air pollution, block city noise, provide privacy, increase property values, reduce air conditioning costs, absorb carbon dioxide and produce oxygen all vital to environmental sustainability. We concur with the types of mulches allowed. When mulching, good practices should be followed especially around the trunks of trees. Refer to the University of Florida mulching recommendations and their Florida Friendly Landscapes standard."
- **The Preservation Foundation of Palm Beach:** No comments received on this section.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

(d) *Prohibition of ficus benjamina.* Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed.

(e~~d~~) Protection of natural area and incentives. The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach

County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(fe) Enforcement. Violations of this section shall be:

(1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.

(2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

COMMENTS RECEIVED:

- **Landscape Architects/Design Professionals:** No comments received on this section.
- **The Garden Club of Palm Beach:** "The Garden Club of Palm Beach wishes to extend its support of the 25% native plant requirement, not using Cypress mulch or dyed mulch, banning the use of Ficus Benjamina for new hedges and the proper pruning of trees."
- **Palm Beach Civic Association Town Beautification Committee:** "We concur with limiting the use of Ficus Benjamina on the island. There are several other alternatives to be used as hedges that are less prone to whitefly damage and extensive use of pesticides e.g. Podocarpus, Clusia, Cocoplum, etc. Ficus Nitida as a replacement of Ficus Benjamina should also be discouraged."
- **The Preservation Foundation of Palm Beach:** See previous comments on native vegetation.

Section 7. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 8. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

From:	Joshua Martin
To:	John Lindgren; Adam Mills; Donald Skowron; Dustin Mizell; Fernando Wong; Timothy C. Johnson; Molly Schumacher; Mario Nievera; Keith Williams; Matt Jackman; Andres Paradelo; Chuck Yannette; "Parker-Yannette Design Group"; Steve West; Jorge Sanchez; Brian Vertesch; Claudia Visconti; LDG@Langdesigngroup.com; Alan Stopek; nedbarnes@palmbeachcivic.org; John David Corey; Beth Dowdle; Elizabeth Thebaut
Cc:	Jay Boodheshwar; Julie Araskog; Julie Araskog; Lew Crampton; Joshua Martin
Subject:	Town of Palm Beach Chapter 66 Amendments
Date:	Friday, January 11, 2019 5:39:31 PM
Attachments:	Chapter 66 Exisitng.doc Chapter66Proposed11January2019.docx
Importance:	High

The Garden Club of Palm Beach, Palm Beach Civic Association Town Beautification Committee, and local Landscape Architects:

Good evening. I hope this email finds you well.

As you may know, the Town's Ordinance, Rules, and Standards (ORS) Committee has been considering amendments to Chapter 66, Natural Resource Protection (existing ordinance attached for your reference), of the Town Code. These amendments include the following topics:

1. Revisions to the Definitions section;
2. Revisions to the Purposes and Intent Section;
3. Standards related to minimum requirements for native vegetation;
4. Mulching requirements;
5. Hat racking standards; and
6. Prohibition of Ficus Benjamina.

Attached, please find the most recent draft of the proposed amendments related to the aforementioned topics. Per the direction of the ORS Committee, please review and provide any feedback on the proposed amendments to me by Friday, 25 January 2019. Please note that any and all comments would be appreciated including proposed ordinance language for these topics.

Please note the next ORS meeting will be on Thursday, 7 February 2019, at 930am in Town Council Chambers at Town Hall, during which these amendments will be discussed. We invite you to participate in this meeting as well. If you have any questions regarding this matter, please let me know. Have a wonderful weekend.

Respectfully,
Josh

Josh Martin, AICP, CNU-A
Director

Town of Palm Beach

Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6401
Mobile: 843-247-2057
www.townofpalmbeach.com

Chapter 66 - NATURAL RESOURCE PROTECTION[1]

Footnotes:

--- (**1**) ---

Cross reference— Buildings and building regulations, ch. 18; coastal construction code, § 18-276 et seq.; consistency and concurrency management system, ch. 30; environment, ch. 42; floods, ch. 50; historical preservation, ch. 54; marine structures, ch. 62; parks and recreation, ch. 74; planning, ch. 86; solid waste, ch. 102; streets, sidewalks and other public places, ch. 106; subdivisions, ch. 110; utilities, ch. 122; vegetation, ch. 126; zoning, ch. 134; C conservation district, § 134-1351 et seq.

ARTICLE I. - IN GENERAL

Sec. 66-1. - Generally.

(a) *Purpose and intent.*

(1) It is the intent of this chapter to ensure that proposed development is consistent with the town's comprehensive plan.

(2) The purpose of this chapter is to establish those resources or areas of a development site that must be protected from harmful effects of development.

(b) *Relationship to other requirements.* In addition to meeting the requirements of this chapter and other applicable town regulations, development plans shall comply with all applicable federal, state, county, and water management district regulations relating to natural resource protection.

(c) *Compliance with subdividing land.* Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these requirements.

(Code 1982, § 11.5-1)

Sec. 66-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alter or *alteration of stormwater systems* means work done on a stormwater management system other than that necessary to maintain the system's original design and function.

Alter or *alteration of vegetation* means to cut, trim, remove, defoliate, or otherwise destroy or disturb by any means, leaves, limbs, stems, roots, or other plant parts, dead or alive.

Antitranspirant means a protective coating, generally applied to plant materials prior to or immediately after transplanting, that reduces water loss through the leaf surface.

Cultivated landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Detention means the collection and storage of surface water for subsequent gradual discharge.

Dune means a hill or ridge of windblown sand and marine deposits formed by action of the wind and water, often stabilized by vegetation indigenous to this formation.

Erosion and sediment control plan means a plan for the control of soil erosion, sedimentation of waters and sediment related pollutants, and stormwater runoff resulting from land disturbing activity. The town may require the party responsible for carrying out the plan to submit monitoring reports, as deemed necessary, to determine whether the measures required by the approved plan are being properly performed.

Evapotranspiration-based controller means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:

(1) Receives and monitors weather data or on-site environmental conditions;

(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;

(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes but is not limited to semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Land disturbing activity means any land change that may result in soil erosion from water or wind and the movement of sediments and sediment related pollutants in waters, including but not limited to clearing, grading, excavating, transporting and filling of land.

Mangroves means any specimen of Avicenna germinans (black mangrove), Laguncularia racemosa (white mangrove), Rhizaphora mangle (red mangrove), and Conocarpus erectus (buttonwood mangrove), dead or alive, regardless of size.

Moderate drought tolerant means vegetation that requires supplemental irrigation during extreme dry periods to maintain attractive appearance.

Mulch means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native habitat means habitat that predominantly consists of or is used by those communities of plants, animals, and other flora and fauna which occur indigenously on the land, in the soil, or in the water.

Native shoreline vegetation means vegetation that occurs indigenously on the land, in the soil, or in the water.

Pestilent exotic/invasive species means species as identified by the Florida Exotic Pest Plant Council's Invasive Plant List.

Pestilent exotic species means any specimen of Melaleuca (Melaleuca quinquenerva), Australian Pine (Causarina spp.), or Brazilian Pepper (Schinus terebinthifolius), regardless of size.

Planting means the placing on or setting into the ground of live plant material.

Prop roots means the structures originating below the lowest limbs of red mangroves, and which are also known as stilt roots.

Rate means volume per unit of time.

Removal means to relocate, cut down, remove, or in any other manner destroy or cause vegetation to be destroyed.

Retention means the collection and storage of runoff without subsequent discharge to surface waters.

Runoff coefficient means ratio of the amount of rain that runs off a surface to that which falls on it; a factor from which runoff can be calculated.

Sediment means the mineral or organic particulate material that is in suspension or has settled in surface waters or groundwaters.

Sediment related pollutants means substances such as nutrients, pesticides, pathogens, and organic materials that are transmitted with, or in association with, sediment.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a one-year period in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building should be:

(1) The appraised value of the structure prior to the start of the initial repair or improvement, or

(2) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been pre-identified by the code enforcement official and which are solely necessary to assure safe living conditions.

Surface water means water above the surface of the ground whether or not flowing through definite channels.

Temporary irrigation system is one which is not to be supplied by buried polyvinyl chloride (PVC), polyethylene (PE), copper tubing or any other direct buried piping.

Trim or *trimming of vegetation* means to cut branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy. Trimming does not include the cutting of prop/aerial roots.

Turf means continuous plant coverage consisting of grass species suited to growth in the county.

Untrimmed mangrove means a mangrove that has not been trimmed over two successive growing seasons.

Very drought tolerant means vegetation that can survive without supplemental irrigation after establishment.

Wetlands means hydrologically sensitive areas that are identified by being inundated or saturated by surface water or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands shall also be defined as those areas within the regulatory jurisdiction of the department of environmental regulation pursuant to F.S. ch. 403 and F.A.C. rules 17-3, 17-4, and 17-12. Wetlands generally include swamps, marshes, bogs and similar areas.

Window means a visual corridor through vegetation between upland properties and the waterfront.

(Code 1982, § 11.5-2; Ord. No. 13-2013, § 1, 8-13-13; Ord. No. 17-2017 , § 1, 7-12-17)

Cross reference— Definitions generally, § 1-2.

Sec. 66-3. - Enforcement and penalties.

(a) *Generally.* Unless otherwise provided, violations of this chapter are punishable as follows:

(1) Any person who violates any provision of this chapter shall be punished as provided in section 1-14.

(2) Each individual mangrove unlawfully altered under the provisions of this chapter shall constitute a separate offense.

(3) Violators may also be prosecuted under the provisions of chapter 2, article V of this Code, relating to town code enforcement.

(4) In addition to other penalties provided by law, appropriate reforestation, as approved in a shoreline management plan, shall be required for violation of this chapter.

(5) No development approvals shall be issued to any violators of this chapter until the violation has been determined to be resolved by the planning, building and zoning department.

(6) No alteration shall be permitted for five years on mangroves that have been planted to abate a violation of this chapter.

(7) The selection of any of the above penalties shall not preclude the town from seeking relief in the circuit court of the county, by way of injunction or other relief.

(b) *Payment of costs.* Violators of this section shall pay for all costs to the town for the review of any reforestation or other mitigation plan implementation conducted by the town.

(Code 1982, § 11.5-24(f), (g))

Secs. 66-4—66-35. - Reserved.

ARTICLE II. - SHORELINE MANAGEMENT PLAN

Sec. 66-36. - Findings.

The town recognizes the following environmental values of native shoreline habitat along Lake Worth:

(1) Native wetland shoreline vegetation:

a. Helps to protect the shoreline against erosion.

b. Provides habitat for a diverse community of plants and animals, including species listed by the state as endangered, threatened, and of special concern.

c. Plays a fundamental role in estuarine nutrition by producing concentrations of organic matter that is utilized by marine organisms within the estuarine food web.

d. Provides a nesting and resting ground for species of migratory birds.

e. Is aesthetically appealing and can be reasonably incorporated as an asset into the landscaping of waterfront residences.

(2) Certain pestilent exotic vegetative species have spread rapidly in the town, displacing and degrading native vegetation and creating ecologically undesirable monocultures.

(3) Upland areas directly adjacent to shorelines can degrade natural shoreline communities when they contain pestilent exotic species with invasive qualities.

(4) When placed along existing bulkheaded shores, riprap provides valuable habitat where there was none before by acting as a rocky substrate for shoreline vegetation and other shoreline organisms.

(Code 1982, § 11.5-36)

Sec. 66-37. - Purpose and intent.

(a) It is the purpose and intent of this article to prevent degradation or loss of native Lake Worth shoreline habitat, and to encourage restoration and improvement of degraded habitat through programs of exotic removal and planting of beneficial native vegetative species.

(b) This article should be used in conjunction with the vegetative provisions of this chapter, article IV.

(Code 1982, § 11.5-37)

Sec. 66-38. - Priorities for shoreline land use.

When reviewing applications for rezoning or amendments to the town's comprehensive plan, shoreline land use shall have the following priorities:

(1) Water-dependent uses such as production or protection of fish, shellfish and wildlife; protection or conservation of coastal and natural resources; recreation, public access, navigation and water-dependent utilities; provided they have no significant adverse impact upon the land, waters or adjacent land uses.

(2) Water-related or water-enhanced uses such as recreation and water-related utilities.

(3) Scenic waterfront communities.

(4) Uses that are not water-dependent or water-related that do not result in a diminution of coastal resources, and that are compatible with existing or committed uses in the town.

(Code 1982, § 11.5-81)

Sec. 66-39. - Requirements.

A shoreline management plan is required whenever:

(1) Alteration or removal of mangroves is requested; or

(2) Mangroves have been altered or removed in violation of this chapter.

(Code 1982, § 11.5-38)

Sec. 66-40. - Shoreline management plan.

The shoreline management plan shall include:

(1) A survey of the shoreline area showing the location and identification, by common and species names, of all vegetation. The mapped area shall include the intertidal area as well as the area 15 feet upland of the mean high tide line.

(2) A map showing proposed alterations.

(3) A map showing proposed mitigation.

(4) A written description of the proposed alteration and the proposed compensation and/or mitigation.

(5) A time schedule for requested activity, including commencement date of alteration and completion date of alteration.

(Code 1982, § 11.5-39)

Sec. 66-41. - Standards.

No alteration of native shoreline communities along Lake Worth shall occur without provision of some compensatory benefit to the shoreline habitat on the property as set forth in section 66-42.

(Code 1982, § 11.5-40)

Sec. 66-42. - Compensatory benefits.

(a) *Inclusion.* Compensatory benefits shall include one or more of the following:

(1) Replacement of pestilent exotic species in the shoreline area with native shoreline vegetation;

(2) Planting native shoreline vegetation in unvegetated areas; or

(3) Placement of riprap along bulkheaded shorelines and vegetating the riprap with mangroves.

(b) *Exemptions.* Applicants with shorelines more than 85 percent vegetated with mangroves or other native wetland shoreline vegetation, and are not degraded by the presence of exotic species, shall be permitted to trim presence of exotic species, shall be permitted to trim windows without compensatory measures, but must meet the other requirements of this chapter.

(Code 1982, § 11.5-41)

Sec. 66-43. - Mangrove trimming.

Trimming of mangrove windows for visual access is permitted under the following conditions:

(1) No more than 20 percent of naturally vegetated shoreline area may be trimmed as windows.

(2) Window areas must be established in the management plan. Once established, window areas may be maintained as part of an approved shoreline management plan.

(3) Established window areas may not be moved without the authorization of the town building official or his designee.

(4) An area twice the area of the window shall be restored by one or more of the methods described in section 66-42.

(5) Nonwindow areas shall be left untrimmed.

(Code 1982, § 11.5-42)

Sec. 66-44. - Mangrove removal.

Mangrove removal must meet the following requirements:

(1) Mangrove removal must meet all the conditions of this chapter.

(2) When total removal is requested, the applicant must provide a mitigation strategy. This strategy must include, at a minimum:

a. Replanting of not less than three times the total land area proposed for alteration at the following mitigation rates: 4:1 for forested wetlands; 2:1 for herbaceous wetlands.

b. Description of species and spacing.

c. The location of the reforestation, its elevation, and all surrounding vegetation.

d. A performance bond guaranteeing the success of the reforestation.

(3) Mangroves used for reforestation purposes shall be grown in pots no smaller than three gallons, have no fewer than two lateral branches, and be a minimum of four feet in height at the time of planting.

(4) No alteration shall be permitted for five years for mangroves that have been planted to abate a violation of this chapter. Otherwise, planted mangroves may be altered after they reach a height of six feet or higher.

(5) Salt marsh vegetation may be used in high energy areas in front of mangrove plantings, as part of required mitigation.

(Code 1982, § 11.5-43)

Sec. 66-45. - Phasing.

Phasing is encouraged for shorelines with extensive exotic invasion. Time periods and precise activities shall be specified.

(Code 1982, § 11.5-44)

Sec. 66-46. - Removal of pestilent exotics.

(a) Removal must be arranged so as to prevent damage to adjacent native ecosystems whenever possible.

(b) An herbicide approved by the town planning, building and zoning department may be used for Brazilian pepper when it is applied by a qualified professional.

(Code 1982, § 11.5-45)

Sec. 66-47. - Maintenance.

Property owners are responsible for maintenance of vegetation as specified in the management plan.

(Code 1982, § 11.5-46)

Secs. 66-48—66-80. - Reserved.

ARTICLE III. - SAND AND DUNE REMOVAL OR ALTERATION

DIVISION 1. - GENERALLY

Sec. 66-81. - 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:

Alteration means any removal, addition, or moving of sand, and/or any removal or addition of vegetation of any kind, either by way of planting or transplanting such vegetation, destruction of such vegetation, or the pruning or cutting of vegetation.

Crest of the existing dune line means the highest point in elevation of the primary natural dune.

Dune means a natural hill or ridge of windblown sand and marine deposits formed by action of the wind and water, often stabilized by vegetation indigenous to this formation, including but not limited to sea oats, herbs, woody vegetation, and other growth common to the beach area adjacent to the coastline. (See *Primary natural dune.*)

Excavation means removal of soil, sand or vegetation by the process of digging, scooping or hollowing out.

Materially altered means any construction, excavation or building that has an adverse effect upon the ecological integrity of the dune seaward of an existing seawall, the control of beach erosion, hurricane protection, coastal flood control, the shoreline, and/or offshore deposits of sand.

Motor vehicle means any self-propelled wheeled conveyance.

Primary natural dune means the hill or ridge of wind-blown sand located furthest east (seaward). (See *Dune.*)

Structure means anything constructed or erected, except for fences, the use of which requires any type of permanent location on the ground or attached to something having a permanent location on the ground, and shall include but not be limited to signs, walkways or types of construction with interior surfaces not normally accessible for human use.

(Code 1982, § 6-36(b))

Cross reference— Definitions generally, § 1-2.

Sec. 66-82. - Motor vehicles.

No person shall drive any motor vehicle on, over or across any sand dune, except when authorized in advance by the town's building official to traverse a specific portion of dune in the performance of town-approved activities.

(Code 1982, § 6-36(k))

Cross reference— Traffic and vehicles, ch. 118.

Sec. 66-83. - Beaches; removing sand or earth.

It shall be unlawful for any person to take or remove from the ocean beach within the limits of the town any sand or earth.

(Code 1982, § 13-11)

Sec. 66-84. - Public nuisances.

Any activity subject to the requirement to obtain a class I, II or III permit as set forth in section 66-123 conducted in violation of the provisions of this article is declared to be a public nuisance. Any such violation is subject to the penalty provisions set forth in this article. In addition, the town may require site restoration and/or mitigation of the violation's impact in a manner determined by the town to be appropriate for the site, type and magnitude of violation. If such restoration and/or mitigation is not accomplished within a reasonable time as directed, the town may enter the property and accomplish the restoration and/or mitigation at its own expense, and the costs shall become a lien upon the property of the upland owner upon which the violation occurred.

(Code 1982, § 6-36(l))

Sec. 66-85. - Existing structures and previously developed properties.

The provisions of this article shall not apply to property located in the beach zoning district and structures existing or under construction prior to the effective date of the ordinance from which this section was derived in all group R, residential zoning districts; however, such existing structures and

those structures under construction, once complete, shall not be materially altered as defined in section 66-81.

(Code 1982, § 6-36(m))

Sec. 66-86. - Appeal.

(a) Appeals to the town council may be taken by any person aggrieved or by any officer, board or bureau of the town affected by any decision of an administrative official under any provision of this article. Any person appealing any decision of an administrative official shall make such appeal within 30 days after rendition of the order, requirement, decision or determination from which such appeal is taken, or the right to appeal shall be barred. Such appeal shall be in writing to the town council with ten copies thereof filed with supporting facts and data with the building official. Appeals shall be accompanied by proper exhibits, which shall be timely filed, and shall include plans, documents and other materials to adequately depict and support the appeal. Upon receipt of the appeal:

    (1) The building official shall forthwith examine such appeal and endorse his recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed from was taken.

    (2) All appeals will be heard at regular meetings of the town council unless otherwise ordered by the town council.

    (3) Postponement requests for deferred action on any appeal will be granted for one month only (or the next succeeding regular town council meeting, if that should occur on a different date) except for good cause shown.

    (4) When an appeal is deferred or postponed because the town council determines that additional professional advice is necessary, the expense of obtaining such additional professional advice shall be borne by the appellant. The person to render or give such additional professional advice shall be selected by mutual agreement of the town and the appellant.

(b) An appeal to the town council stays all work on the premises that is in furtherance of the action appealed from unless the official from whom the appeal was taken shall certify to the town council that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property, in which case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the town council or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken, and on due cause shown of imminent peril to life and property.

(Code 1982, § 6-36(n))

Sec. 66-87. - Penalty.

Any person violating this article, upon conviction, may be punished as provided in section 1-14. Such person may be deemed guilty of a separate offense for each day during any portion of which any violation of this article is committed or continued. Violators also may be prosecuted under the code enforcement provisions of chapter 2, article V, of this Code. In addition to remedies available under chapter 2, article V, of this Code, the code enforcement board may require site restoration. The selection of any of the penalties in this section shall not preclude the town from seeking relief in the circuit court of the county, by way of injunction or other relief.

(Code 1982, §§ 6-36, 13-10)

Secs. 66-88—66-120. - Reserved.

DIVISION 2. - PERMIT

Sec. 66-121. - Required.

(a) It is unlawful for any person to remove, alter, destroy or damage any existing dune or the vegetation thereon in the town, except after approval of a permit application submitted to the town, in accordance with the provisions of section 66-123.

(b) No person shall alter, damage or cause to be damaged any sand dune or any vegetation (excluding lawns) growing seaward of a line 25 feet landward of the crest of the primary natural dune, without first having obtained from the town a class I, II, or III permit, as set forth in this division, in all zoning districts unless specifically exempted.

(Code 1982, §§ 6-36(a), 13-10(a); Ord. No. 15-97, § II, 12-9-97)

Sec. 66-122. - Classification of permits.

There shall be three classifications of permits that will be issued in accordance with the terms of this division:

(1) Class I permits shall be applicable to all activities that are subject to the requirement to obtain a permit under this division that are not included in the definition of class II and III permits.

(2) Class II permits shall be applicable to routine dune maintenance activities such as trimming, pruning, minor additions of vegetation and/or sand, and other activities as specified in the town's guidelines for routine dune maintenance. These guidelines shall be formally approved by the town council and shall be amended or readopted at least annually. The guidelines shall include but not be limited to a list of approved vegetation for planting in the dune, which list may be amended by the town's building official on the advice of the town's dune consultant. The guidelines also shall include specified trimming techniques and activities approved by the town council for administration permit approval. Any activity regulated by this section and not included in the town's guidelines shall be subject to the class I permit application process. Under no circumstances shall a class I permit allow existing vegetation to be lowered to a height less than 3.5 feet.

(3) Class III permits shall be applicable to emergency dune repairs and shall be issued administratively in accordance with the application requirements specified in this division, including the approval of such emergency activities by the appropriate state, county and/or federal authorities as may be required.

(Code 1982, § 6-36(c))

Sec. 66-123. - Application requirements.

(a) *Class I permit.* Applications for class I permits under this section shall be accompanied by a nonrefundable application fee of $3,500.00 for major projects (involving town staff and town consultant's preinspection, recommendation, and follow-up inspection) and $1,400.00 for minor projects (involving town staff and town consultant's review and recommendation only). Such applications shall also be subject to a permit fee consistent with the building permit fee schedule published by the town's building department, payable at the time of permit issuance. Applications for class I permits shall describe the property upon which the work is to be performed, and shall show the existing and proposed elevations of such property. Detailed construction plans shall be submitted with such applications, shall be of a scale not smaller than one inch equals 40 feet, and shall specify the nature and extent of the proposed work to be performed and remedial measures proposed to assure protection against inundation and erosion and to assure the maximum ecological integrity of the dune system. Such applications must be signed by the owner of the property upon which the

work is to be performed (in the case of a condominium, by the president of the condominium association). Documentation of state, county and/or federal approvals of the proposed work in the form of permits for the work as may be required must be provided to the town prior to the issuance of a town permit. When an application is filed, the town shall give notice to all property owners owning oceanfront land within 1,000 feet of the land described in the application at the last known address of the owners of record, pursuant to the records of the county property appraiser. If such neighboring property owner is a condominium, the town shall give notice to the condominium association. The notice shall be given at least 15 days prior to a public hearing to be held by the town council in regard to the application; the town's building official also shall cause notice of the public hearing to be published in a newspaper of general circulation in the county at least once a week for two weeks prior to the public hearing.

(b) *Class II permit.* Applications for class II permits under this section shall be accompanied by a nonrefundable application fee of $700.00 for beach/dune trimming applications and $140.00 for all other class II applications. Such applications shall also be subject to a permit fee consistent with the building permit fee schedule as published by the town's building and zoning department, payable at the time of permit issuance. Applications for class II permits shall describe the property upon which the work is to be performed, and shall specify the proposed work to be performed and remedial measures proposed to assure protection against inundation and erosion, and to assure the maximum ecological integrity of the dune system, in accordance with the town's approved guidelines for routine dune maintenance. Such applications must be signed by the owner of the property upon which the work is to be performed (in the case of a condominium, by the president of the board of directors of the condominium association) and must include documentation of state, county, and/or federal approvals of the proposed work in the form of permits for said work as may be required.

(c) *Class III permit.* Applications for class III permits under this section shall describe the property upon which the work is to be performed, shall specify the nature and extent of the proposed work to be performed, shall be signed by the owner of the property upon which the work is to be performed (or the owner's duly authorized representative), shall include documentation from the state department of natural resources identifying that an emergency condition exists at the site in question, and shall include documentation of state, county and/or federal approvals of the proposed work in the form of permits for the work as may be required. There shall be no application fee for a permit for a class III activity.

(Code 1982, § 6-36(d); Ord. No. 25-95, § 1, 11-14-95; Ord. No. 17-07, § 1, 10-4-07)

Sec. 66-124. - Issuance restricted.

No permit shall be issued where it appears that the proposed excavation, filling or removal of sand and/or the destruction, damaging, pruning or cutting of natural vegetation will result in the probable erosion or inundation of surrounding beaches, banks, dunes, and adjacent lands, or endanger the public safety, or adversely affect the stability of the existing dune structure, or adversely affect the ecological integrity of the dune system.

(Code 1982, § 6-36(e))

Sec. 66-125. - Bond.

Prior to the issuance of a class I, II or III permit under this section, the town may require the applicant to obtain and deposit with the town a good and sufficient performance bond in an amount of 135 percent of the estimated total project cost, as approved by the town, and in a form to be approved by the town attorney, such bond to be conditioned upon the applicant faithfully completing all work that may be required for the protection of the ocean dunes, banks and beaches against inundation and erosion.

(Code 1982, § 6-36(f))

Sec. 66-126. - Work to be performed by certain persons.

Any work permitted under this article, pursuant to the approval of an application by the town council, and relating to the vegetation within or on the dunes shall be accomplished by a town registered landscape maintenance company, and supervised by a state licensed coastal engineer, state licensed landscape architect, or other consultant with expertise in dune systems management approved by the town's building official.

(Code 1982, § 6-36(g))

Secs. 66-127—66-150. - Reserved.

DIVISION 3. - WAIVERS AND VARIANCES

Sec. 66-151. - Procedures.

(a) All applications for a waiver or variance from the setback line in section 66-177 or from the jurisdictional limitations identified under section 66-123, in accordance with the provisions set out below, shall be made in writing to the building official, together with an application fee of $375.00. Such applications, in order to be considered, must set out in detail the grounds upon which the waiver or variance is sought and contain sufficient engineering and environmental data to substantiate the applicant's claim. Applications for waivers or variances, in order to be considered, shall contain the names and last known addresses of the owners of record (pursuant to the records of the county property appraiser of all oceanfront property within 1,000 feet of the land described in the application. If such neighboring property owner is a condominium, the applicant shall provide the name and last known address of the condominium association.

(b) The building official shall examine all applications for waivers or variances properly made and, after consultation with other members of the town staff and/or the town's consultant, shall make a recommendation for or against such application to the town council. The town manager shall then cause the application for waiver or variance to be placed before the town council at a public hearing not less than 30 days after the town's receipt of the application for waiver or variance. The public hearing shall be for the purposes of consideration by the town council of the application for waiver or variance, the recommendation of the building official, and the statements and recommendations of all interested parties and the general public, upon which consideration the town council shall decide to either grant or deny the application for waiver or variance.

(c) The building official shall give notice in writing to the applicant and to all owners of record (pursuant to the records of the county property appraiser) of all oceanfront property within 1,000 feet of the property for which a waiver or variance is sought at least 15 days prior to the public hearing; where such neighboring property owner is a condominium, the building official shall give notice to the condominium association. If such neighboring property owner is a condominium, the applicant shall provide the name and last known address of the condominium association. The building official shall cause notice of the public hearing to be published in a newspaper of general circulation in the county at least once a week for two weeks prior to the public hearing.

(Code 1982, § 6-36(j)(1))

Sec. 66-152. - Conditions.

(a) The town council shall authorize the excavation or erection of a structure at any coastal riparian location where, through the presentation of adequate engineering data, it can be demonstrated that such excavation or erection would have no adverse effect upon the ecological integrity of the dune,

the control of beach erosion, hurricane protection, coastal flood control, the shoreline, and/or offshore deposits of sand.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the designated setback line, and if the placement of those existing structures has not had an adverse impact upon rare, threatened or endangered vegetation; contributed to beach erosion; interfered with hurricane protection; obstructed coastal flood control; nor adversely affected the shoreline and/or offshore deposits of sand, the town council may grant a waiver or variance. The applicant shall sustain the burden of demonstrating the continuity and uniformity of a construction line different from the designated setback line and the absence of adverse effects as described in this section.

(Code 1982, § 6-36(j)(2))

Secs. 66-153—66-175. - Reserved.

DIVISION 4. - REGULATIONS AND REQUIREMENTS

Sec. 66-176. - Grading and leveling site after removal.

Any person granted a permit pursuant to division 2 of this article, and who removes or excavates sand for any reason from the ocean beach or the adjacent dunes within the setback area described in section 66-177, shall place such sand on the Atlantic Ocean beach in the area in front of which it is being removed and shall contour such sand in a manner so as to be compatible with the surrounding beach area. A waiver to this requirement may be granted at the discretion of the town's building official.

(Code 1982, § 6-36(h))

Sec. 66-177. - Setback lines.

(a) In all zoning districts except the beach area zoning district and properties with seawalls at elevation 14.34 feet National Geodetic Vertical Datum (NGVD), no person shall construct any primary structure seward of a line 25 feet landward of the crest of the primary natural dune, nor construct any structure whatsoever (with the exception of state approved dune walkovers or fences) seaward of a line 15 feet landward of the crest of the primary natural dune as defined in this section, nor make any excavation, remove any beach material, or otherwise alter existing ground elevations in a manner not applicable to a class II or III permit as described herein seaward of a line 15 feet landward of the crest of the primary natural dune. When the dune occurring west of the crest of the primary natural dune is less than elevation plus 14.34 feet National Geodetic Vertical Datum, then a bulkhead must be constructed in conjunction with development of the property landward of such dune, across the width of the subject property at a location approved by the town.

(b) Properties located in the beach area district shall comply with setbacks as prescribed by sections 134-1471 and 134-1701.

(c) In all zoning districts, properties which have an existing seawall at an elevation less than 14.34 feet National Geodetic Vertical Datum shall have such seawall raised to a minimum elevation of 14.34 National Geodetic Vertical Datum in conjunction with any development of the property. Setbacks for such properties shall be measured from the town's bulkhead line as defined in this article.

(Code 1982, § 6-36(i); Ord. No. 15-97, § II, 12-9-97)

Secs. 66-178—66-210. - Reserved.

ARTICLE IV. - VEGETATION[2]

Footnotes:

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Cross reference— Vegetation generally, ch. 126.

DIVISION 1. - GENERALLY

Sec. 66-211. - Findings.

It is found and determined that:

(1) Landscaping promotes the health, safety and welfare of the community by absorbing carbon dioxide and returning oxygen to the air; precipitating dust and other articles in the air; providing wildlife habitat; providing soil stabilization; making the built environment more attractive; and helping to abate noise.

(2) Proper landscaping and irrigation techniques can result in significant water conservation.

(3) Landscaping provides a positive aesthetic value to the town.

(4) Native shoreline ecosystems provide valuable shoreline stabilization and protection, wildlife habitat, and maintenance of environmental quality.

(5) Pestilent exotic species constitute a nuisance in the town because:

a. They have spread rapidly to many areas of the town, displacing the diverse native Florida vegetation and associated wildlife habitat, and creating ecologically undesirable vegetative monocultures.

b. They can have adverse effects upon human health and pose safety hazards during high wind conditions.

c. The health, safety and welfare of the present and future residents of the town are benefited by minimizing degradation of the native ecological systems of the town.

(6) Various plant species having aesthetic, ecological, educational, historical, recreational, economic or scientific value have been classified as endangered, threatened or species of special concern and should be protected.

(Code 1982, § 11.5-6)

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(1) Promote water conservation.

(2) Maintain and improve the aesthetic appearance of the town.

(3) Improve the environmental quality of the town.

(4) Eradicate or control certain exotic plant species.

(5) Protect and encourage native shoreline and wetland ecosystems.

(6) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.

(7) Protect listed plant species that inhabit the town.

(Code 1982, § 11.5-7)

Sec. 66-213. - Applicability.

This article shall apply to any new development or redevelopment. Provisions relating to tree removal or wetland protection apply to existing development, as noted.

(Code 1982, § 11.5-8)

Secs. 66-214—66-235. - Reserved.

DIVISION 2. - PERMITS

Sec. 66-236. - Application procedure for vegetation removal permit.

(a) *Removal permits.* Vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.

(b) *Circumstances justifying issuance.* Vegetation removal permits shall be issued in the following circumstances:

(1) Where a tree, due to natural circumstances, is no longer viable, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard;

(2) Where the affected vegetation will be relocated, replaced with a suitable substitute tree, or otherwise preserved, with the exception of mangroves, which are regulated elsewhere in this chapter; or

(3) Where tree removal is part of a plan to restore or encourage native shoreline species, either on the coastal strand, as described in section 66-81 et seq., resolution number 37-89, or along Lake Worth, as described in article III of this chapter.

(c) *Permit issuance and time limitations.* Upon approval of an application, the building official or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance.

(Code 1982, § 11.5-21)

Secs. 66-237—66-260. - Reserved.

DIVISION 3. - PLANS

Sec. 66-261. - Plans required.

All site plans for new development and redevelopment shall be required to submit a landscape plan and irrigation plan to the architectural commission, or landmarks commission, as applicable. All plans shall be signed and sealed by a registered landscape architect, who shall guarantee that the plans meet all specifications of this chapter. The plans shall include a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan.

(Code 1982, § 11.5-9; Ord. No. 21-02, § 6, 11-12-02)

Sec. 66-262. - Landscaping plan.

Landscaping plans should identify:

(1) Any historic or specimen trees located on the property.

(2) Any threatened or endangered vegetative species contained on the Florida Natural Areas Inventory's "Special Plants List," the Florida Game and Fresh Water Fish Commission's "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida," or a comparable list approved by the town planning, building and zoning department.

(3) The location, size, botanical name, and common name of all existing vegetation four inches or larger in diameter on the property.

(4) The location, species name, and common name of all proposed vegetation on the property.

(5) The location and type of trees to be relocated or removed, and place of relocation if applicable.

(6) All elements of an approved stormwater management plan applicable to the project, and a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan.

(Code 1982, § 11.5-9(a); Ord. No. 15-01, § 6, 9-11-01; Ord. No. 21-02, § 7, 11-12-02)

Sec. 66-263. - Irrigation plans.

Irrigation plans shall include:

(1) Layout of irrigation system and identification of components.

(2) Explanation of relationship between plant groupings and type of irrigation used.

(Code 1982, § 11.5-9(b))

Secs. 66-264—66-285. - Reserved.

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-286. - Water conserving landscape design.

The following section shall be applicable to all new construction and substantial improvements.

(1) *Required.* Landscapes shall be designed in accordance with water conserving landscape design elements set forth in subsections (2)—(5).

(2) *Minimum landscaped open space.* Minimum landscaped open space shall be required as stipulated by the lot, yard and bulk regulations in the zoning code, chapter 134.

(3) *Required vegetation.* The following vegetation is required. The nine principles of Florida friendly landscaping shall be utilized.

a. *Lawns.*

1. If very drought tolerant grass is used, not more than 70 percent of the required landscaped open space shall be planted in lawn grass.

2. If moderate drought tolerant grass is used, not more than 60 percent of the required landscaped open space shall be planted in lawn grass.

(Information on Florida friendly drought tolerant grass can be found at: http://fyn.ifas.ufl.edu/ifaspubs.htm.)

b. *Nonturfed areas.*

1. Nonturf areas shall be planted in mixes of trees, shrubs and ground covers.

2. Plants shall be grouped according to their water needs, and irrigated accordingly. At least 33 percent of the groupings shall be characterized by highly or moderately drought tolerant vegetation.

(Information for Florida friendly landscaping drought tolerant plants can be found at: http://www.floridayards.org/index.php)

(4) *Irrigation standards.*

a. Irrigation systems, either manual or automatic, may be used for the cultivated landscape areas.

b. Irrigation shall be designed in zones that reflect necessary water regimes for specific groupings of vegetation.

c. Sprinkler heads irrigating lawns or other high water requirement landscape areas shall be circuited so that they are on a separate zone from those irrigating trees, shrubbery or other reduced water requirement areas.

d. Zones containing existing native plant communities and ecosystems maintained in a natural state do not require, and shall not have any additional irrigation water added in any form.

e. In order to prevent overthrow, low trajectory heads or low volume water distributing devices shall be used when irrigating confined areas.

f. No more than ten percent of spray radius shall be allowed onto impervious areas.

g. Newly installed native plant areas may require irrigation during the establishment period. Water during this period shall be applied from a temporary irrigation system, a water truck, or by hand watering from a standard bib source.

h. A temporary irrigation system shall be removed no later than 60 days after completion of the planting.

(5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms.

(6) *Antitranspirants.* In order to reduce water loss through leaves during installation, antitranspirants shall be used and applied on all permitted landscape installation projects for a minimum period of 90-days from the date of installation.

(7) *Irrigation plans.* Detailed irrigation plans shall be submitted as part of a building permit, and shall include:

a. Layout of irrigation system and identification of components.

b. Explanation of relationship between plant groupings and type of irrigation used.

c. Irrigation plans must provide 100 percent coverage of landscape areas.

(8) *Control systems.*

a. The irrigation system shall be equipped with rainfall or moisture sensing devices to avoid operation during periods of sufficient moisture.

b. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirement areas.

(9) *Advanced irrigation systems.* This section shall be applicable to all new construction, substantial improvement and existing properties applying for a variance from the day-of-week watering restrictions imposed by the South Florida Water Management District (SFWMD), the City of West Palm Beach (WPB) or the Town of Palm Beach (town). Variances from the day-of-week watering restrictions does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the SFWMD, WPB or the town.

a. Any person who purchases or installs an automatic landscape irrigation system on their property must properly install, maintain, and operate the system in accordance with manufacturer specifications, technology that inhibits or interrupts operation of the system during periods of sufficient moisture, and otherwise comply with the provisions of this section.

b. Evapotranspiration-based (ET) or moisture sensing-based controllers are required on any new automatic landscape irrigation system or controller installed subsequent to the date of adoption of this ordinance. In addition said systems are required on automatic irrigation systems when any principal structure on a property in the town is substantially altered.

c. Owners who have a properly operating evapotranspiration-based (ET) or moisture sensing controlled irrigation system shall be eligible for a variance from the day-of-the-week landscape irrigation restrictions set forth in section 122-78(b)(3) and (4) if the following requirements are met:

1. The ET controller is approved by the Town of Palm Beach building official as meeting the Environmental Protection Agency (EPA) WaterSense® specification for weather-based controllers, the requirements of the Irrigation Association (IA) for climate-based controllers or moisture sensor-based controllers, or some comparable and applicable standard.

2. The owner submits an application for variance to the Town of Palm Beach building official or his/her designee in accordance with section 122-81 along with an application fee in an amount adopted by the town council by resolution.

3. The owner posts a sign in a conspicuous location on the property to inform the public of the approved variance. The sign shall be provided by the town, the cost of which shall be payable to the town in an amount to be determined by the town council by resolution, upon approval of the variance.

4. No irrigation occurs between the daily restricted hours as may be set forth by the South Florida Water Management District and/or the City of West Palm Beach, which is subject to change at any time.

d. The town shall maintain a database of all properties which have installed and maintained advanced irrigation systems in accordance with the requirements of this subsection, and which are exempt from the day-of-the-week irrigation restrictions set forth in section 122-78(b)(3) or (4).

e. A variance granted from section 122-78(b)(3) or (4) based on the installation and operation of an advanced irrigation system does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the South Florida water Management District, the City of West Palm Beach or the Town of Palm Beach.

f. *Applicability.* This section shall apply to all licensed contractors within the jurisdiction of the town who install or perform work on automatic irrigation systems and to any person or

entity which purchases or installs an automatic landscape irrigation system on their property.

1. A licensed contractor or owner who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on the system. If such devices are not installed, or are not functioning properly, the contractor must install new devices or repair the existing ones and insure that each is operating properly before completing other work on the system.
2. A licensed contractor or owner performing work on an automatic landscape irrigation system shall report systems that are not in compliance with this section, to code enforcement personnel in the police department. Failure of a contractor or owner to report non-compliant systems within five business days is punishable by fines as specified in the violations and penalties section of this section. A system that is repaired by the contractor and brought into compliance need not be reported.
3. Regular maintenance and replacement of worn or broken moisture sensing equipment, such as soil moisture or rain sensors, is not a violation of this section, if such repairs are made within 30 days from the time non-compliance is noted.
4. All contractors performing work on irrigation systems within the town shall be licensed or registered under F.S. ch. 489, or the Construction Industry Licensing Board of Palm Beach County and shall hold a municipally-issued license or business tax certificate that permits work on irrigation systems.
5. A licensed contractor shall perform annually a maintenance review of the ET-controlled system and certify to the town on an annual basis that the ET-controlled system is properly operating and in compliance with this section. Owners failing to provide such annual recertification that the system is properly operating shall result in revocation of the variance from section 122-78(b)(3) or (4).

g. *Violations and penalties.*

1. Failure of any person who purchases or installs an automatic landscape irrigation system on their property, or property managed by them, to properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture is a violation of this section, and such person shall be subject to a fine in accordance with section 2-439 of this Code. A person in violation of this section may be cited for each day the system fails to be in compliance with this section.
2. Failure of an owner to report to town code enforcement officials automatic landscape irrigation systems that are not in compliance with this section, which require properly operating devices to inhibit or interrupt the operation of the irrigation system during periods of sufficient moisture, shall be a violation of this section, and such owner shall be subject to a fine in accordance with section 2-439 of this Code.

(Code 1982, § 11.5-10; Ord. No. 25-02, § 1, 11-12-02; Ord. No. 22-10, § 1, 7-13-10; Ord. No. 13-2013, § 2, 8-13-13)

Cross reference— Water generally, § 122-31 et seq.

Secs. 66-287—66-310. - Reserved.

DIVISION 5. - REGULATIONS

Subdivision I. - In General

Sec. 66-311. - Prohibited plants.

(a) *Prohibited species.* The following plants have been shown to be pestilent exotic species and shall not be installed as landscape material, and shall be removed from property as part of development and redevelopment activity and prior to the issuance of a permit for said development and redevelopment activity or pursuant to the schedule and terms specified in subsection (c) of this section:

(1) Australian pine (Casuarina spp.).

(2) Brazilian pepper (Schinus terebinthefolius).

(3) Punk or paper tree (Meleleuca quinquenervia).

(4) Old-world climbing fern (Lygodium microphyllum).

(5) Air potato vine (Dioscorea bulbifera).

(6) Carrotwood (Cupaniopsis anacardiodies).

(7) Earleaf acacia (Acacia auriculiformis).

(8) Schefflera (Schefflera actinophylla).

(9) Kudzu (Pueraria montana var. lobata).

(b) *Exemptions.* An exemption or partial exemption from the prohibition of and removal requirements of Australian pines may be granted by the architectural commission or landmarks commission, as applicable, if the following conditions apply:

(1) The Australian pine is used and maintained as a hedge. Failure to maintain the hedge will result in a code violation and removal of the hedge will be required.

(2) The hedge or screen is located in an area where salt tolerant vegetation is required and where a viable aesthetic or organic option is not practical.

(3) The Australian pine is not of the "sucker" type variety (Casuarina glauca).

(4) The Australian pine is not directly adjacent to shoreline areas.

(5) The Australian pine is maintained as part of the character of a landmarked district or vista such as the areas known as "Pine Walk" and "Wells Road."

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(c) *Future removal requirements.* In addition to the removal requirements set forth in subsection (a) above, a property owner shall remove or cause to be removed or eradicated the prohibited invasive non-native vegetation listed in subsection (a) above by January 1 of the year specified in the following table:

COMMON NAME	SCIENTIFIC NAME	YEAR
Old-World Climbing Fern	Lygodium microphyllum	2004
Air Potato Vine	Dioscorea bulbifera	
Melaleuca, Punk Tree	Melaleuca quinquenervia	2006
Brazilian Pepper	Schinus terebinthifolius	2008

Carrotwood	Cupaniopsis anacardiodies	
Earleaf Acacia	Acacia auriculiformis	2010
Schefflera	Schefflera actinophylla	2006
Australian Pine*	Casuarina spp.	2012*
Kudzu	Pueraria montana var. lobata	2008

* The 2012 date relating to the removal of the Australian Pine, Casuarina spp. shall only be applicable to Australian Pines which are within 500 feet of a county designated natural area described in subsection (d) below, i.e., the Palm Beach Island Sanctuaries.

Upon removal of the prohibited and invasive non-native vegetation specified under this section, the property owner shall maintain the property free of such prohibited invasive non-native vegetation.

(d) *Protection of natural area and incentives.* The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(e) *Enforcement.* Violations of this section shall be:

(1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsections (a) and (c) of this section.

(2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

The following are procedures which are to be followed for compliance and enforcement of this section.

(1) Inspection of a parcel to determine the possible location of prohibited invasive non-native vegetation.

(2) Preparation and provision of a notice informing the parcel owner of prohibited invasive non-native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a timeframe provided for compliance. A follow up inspection is conducted.

(3) In the event there is a failure to comply by the property owner after notice as prescribed, the failure to comply will be noticed for hearing before the town's code enforcement board.

(Code 1982, § 11.5-16; Ord. No. 19-03, § 1, 12-9-03; Ord. No. 23-2011, § 1, 10-11-11)

Sec. 66-312. - Protected plants.

The following shall constitute protected plants within the town:

(1) *Historic and specimen trees.* Specimen trees are afforded special status and protection in the town, as per sections 126-56—126-58.

(2) *Endangered and threatened plants.* Plants identified as endangered or threatened, according to the Florida Natural Areas Inventory, Florida Game and Fresh Water Fish Commission "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida," or a comparable list approved by the town's planning, zoning and building department, shall be identified on the required landscaping plan.

(3) *Protection.* Removal of designated historic and specimen trees, and vegetational species identified as endangered or threatened, shall be prohibited.

(4) *Exceptions.*

a. Permission for removal of historic or specimen trees may be obtained from the town council or from the town manager if the tree constitutes a danger to public health, safety or welfare, or otherwise requires immediate removal.

b. When relocation is unavoidable, identified endangered or threatened species may be transplanted to an undeveloped portion of the site, or to an approved off-site location where preservation can be ensured.

(5) *Management plan.* When historic or specimen trees or endangered or threatened plants are identified, a management plan shall be presented to the architectural commission, or landmarks commission, as applicable. The management plan shall include:

a. Methods to ensure preservation of the species, including buffer areas when appropriate.

b. Methods to ensure protection of species while construction activity is taking place on property.

(Code 1982, § 11.5-22)

Secs. 66-313—66-335. - Reserved.

Subdivision II. - Dunes

Sec. 66-336. - Vegetation restoration.

(a) *Findings.*

(1) Coastal dunes provide the first defense against wind and waves.

(2) Coastal dune vegetation, including salt tolerant plant species such as sea oats, railroad vine, sea rocket, and sea grapes, aid in stabilizing beach and dune systems and promoting wildlife habitat areas.

(3) Coastal dunes have been degraded by beach erosion and pestilent exotic species.

(4) Some damaged coastal dune habitat can be restored.

(b) *Purpose and intent.* It is the intent and purpose of the town to provide for restoration of native dune systems wherever such opportunities exist.

(c) *Requirements.* All new development or redevelopment adjacent to the Atlantic Ocean shall be required to restore dune habitat when feasible, as determined by the building official or his designee.

(d) *Guidelines for restoration feasibility determination.* Dune habitat shall be restored when:

(1) Native vegetation has been degraded by pestilent exotics or means other than erosion of the beach; or

(2) Significant beach and dune materials exist such that dune habitat can be restored and maintained.

(e) *Alteration of vegetation.* Dune restoration shall be in accordance with section 66-81 et seq. and resolution number 37-89, which provide for the alteration of dune vegetation.

(Code 1982, § 11.5-23)

Secs. 66-337—66-360. - Reserved.

Subdivision III. - Wetlands Protection[3]

Footnotes:

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State Law reference— Wetlands protection, mangroves, F.S. § 403.9322 et seq.

Sec. 66-361. - Mangroves—Prohibitions.

No person shall alter, allow or cause to be altered any mangrove in the town without first obtaining approval of a shoreline management plan and receiving a permit from the planning, zoning and building department.

(Code 1982, § 11.5-24(a))

Sec. 66-362. - Same—Standards for approval or denial of application.

(a) No approval shall be granted for the removal, alteration or destruction of mangroves by mechanical, chemical or other means except as provided for in this chapter.

(b) No approval shall be granted for the alteration or removal of any mangrove that serves as a nesting site for native or migratory birds.

(c) Prior to the commencement of any alteration, permits and approvals required by other federal, state and local agencies must be obtained, and copies must be submitted to the town planning, zoning and building department.

(d) Alterations must be consistent with the provisions of section 126-59.

(Code 1982, § 11.5-24(b))

Sec. 66-363. - Same—Approvals.

An approval shall be granted for alteration or removal of mangroves when:

(1) The alteration is to provide upland property owners with reasonable access to the water subject to the following guidelines:

a. The removal or alteration of mangroves shall be restricted to one accessway running perpendicular to the shoreline.

b. The width of the mangrove area affected by the accessway shall not exceed 12 feet.

c. The applicant must demonstrate a need for the accessway if such accessway necessitates the removal and/or alteration of mangroves.

d. The accessway must be designed and located in such a manner that the least amount of damage to the mangroves is assured.

e. A shoreline management plan is submitted, through which the applicant shall provide mitigation of wetland loss.

(2) The alteration is for visual access and is part of an approved shoreline management plan, as specified by this chapter.

(3) Such removal or alteration is necessary to make reasonable use of the property subject to the demonstration by the applicant that there is insufficient upland area or nonmangrove areas to make reasonable use of the property; and, is part of an approved shoreline management plan, as specified by this chapter.

(Code 1982, § 11.5-24(c))

Sec. 66-364. - Same—Prohibited alterations.

The following alterations to mangroves are prohibited:

(1) The removal of more than 25 percent of the lateral limbs or other lateral branches of any untrimmed white, black or buttonwood mangroves.

(2) The reduction in height of any white, black or buttonwood mangrove by more than 25 percent of the foliage of any untrimmed mangrove.

(3) The reduction in height of any red mangrove.

(4) The reduction of more than 25 percent of the lower part of the canopy of red mangroves.

(5) The removal of any trunk, limbs or other branches greater than one inch in diameter.

(6) Alterations of any prop roots.

(7) Alterations by other than hand-held, nonmechanized equipment.

(8) Alterations of mangroves more than once every two years, except in connection with physical access.

(Code 1982, § 11.5-24(d)(1)—(7), (9))

Sec. 66-365. - Same—Time limitations.

Alterations of mangroves shall be permitted only in the months of October, November, December, January, February and March, except that alteration of mangroves shall be allowed year round in connection with physical access.

(Code 1982, § 11.5-24(d)(8))

Sec. 66-366. - Same—Exemptions.

No approval under this subdivision shall be required for:

(1) Alteration by a state licensed land surveyor in the performance of his duties, provided such alteration is the minimum necessary and is limited to an area three feet or less in width.

(2) Alteration by a waterfront property owner who desires to alter mangroves that were voluntarily planted as part of an approved shoreline management plan, provided that such planting was not required for remedial purposes or as part of any prior development approval, and the alteration is specified by the shoreline management plan.

(Code 1982, § 11.5-24(e))

Sec. 66-367. - Other than mangroves—Prohibitions.

No person shall alter, allow, or cause to be altered any nonmangrove wetlands without first obtaining a permit from the town planning, zoning and building department.

(Code 1982, § 11.5-25(a))

Sec. 66-368. - Same—Standards for approval or denial of application.

(a) No wetlands shall be altered without permits from appropriate federal, state and local agencies.

(b) Compensatory wetland mitigation shall require that the amount of wetlands purchased, created, enhanced or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and successfully replaced.

(Code 1982, § 11.5-25)

Subdivision IV. - Conservation District

Sec. 66-369. - Application procedure for conservation district alteration.

Conservation district alteration permits shall be required to remove pestilent exotic or invasive species, install native species, maintain native habitat or make site improvements necessary to secure the property. Such permits shall be obtained by submitting an application prior to removal, installation, maintenance or site improvement to the planning, zoning and building department director or his or her designee. The application shall include a written statement specifying the reasons necessitating the work to be performed.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Sec. 66-370. - Circumstances justifying issuance.

Permits shall be issued in the following circumstances:

(1) Presence of pestilent exotic or invasive species.

(2) Work is necessary to protect against natural habitat degradation.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Sec. 66-371. - Permit conditions.

The following conditions shall be required for issuance of a permit:

(1) All native habitat must be restored in accordance with all federal, state, and local regulations.

(2) Applicant must demonstrate plans for maintaining conservation area/native plant/threatened or endangered communities in a natural, undisturbed state.

(3) Mulching or placement of removed vegetation on site is prohibited.

(4) Documentation that all mangrove trimming will be done by an authorized professional mangrove trimmer (PMT) in accordance with F.S. § 403.9329.

(5) All mechanical equipment necessary for the proposed work shall be identified and is subject to approval by the planning, zoning and building department director or designee.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Sec. 66-372. - Plans required.

A landscaping plan shall include the following:

a. Property boundaries, location of any site improvements, including but not limited to walls, fences, gates, retention areas, easements, rights-of-way, drainage structures, overhead and underground utilities, poles, fire hydrants, check valves, transformers and other features to remain or to be removed.

b. Location, botanical name, and common name of all existing and proposed vegetation, including invasive or pestilent exotic species, three inches or larger in diameter at standard height (4.5') on the property, identifying all vegetation that will be added, retained, relocated, removed or disturbed.

c. Threatened or endangered vegetative species as identified by the Florida Department of Agriculture and Consumer Services in its Regulated Plant Index.

d. Planting specifications, including but not limited to staking, fertilization, top soil, mulching, and identification of any mechanical equipment to be used.

e. Method to protect trees, including historic or specimen trees, vegetation, and native plant communities during performance of work.

f. Such other information that may be required to give a complete understanding of a proposed plan.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Sec. 66-373. - Fees required.

Applications shall be accompanied by a fee which shall be in accordance with the schedule of fees adopted by resolution by the town council and amended in the same manner. When professional advice and/or consultation is required, as determined by the director of the planning, zoning and building department, the expense shall be borne by the applicant.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Sec. 66-374. - Permit issuance and time limitations.

Upon approval of an application, the planning, zoning and building department director or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance. Work must be completed and pass final inspection within six months of permit issuance. A time extension for the permit may be granted by the planning, zoning and building department director or his or her designee for good cause upon written request. A denial of a time extension request may be appealed to town council. The appeal shall be filed within five business days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal no later than 45 days subsequent to the notice of appeal.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Sec. 66-375. - Penalty for violation.

Any person who performs work outside of the scope of an issued permit shall be subject to the code enforcement provisions set forth in sections 2-401 through 2-439 of the town code of ordinances. In addition, the applicant may be required to pay to the town a civil penalty equal to the total value of work required to restore the site to the conditions approved in the permit. Restoration work may be required as restitution in lieu of money. A combination of money and restoration work may be required.

(Ord. No. 17-2017 , § 2, 7-12-2017)

Secs. 66-376—66-400. - Reserved.

ARTICLE V. - WILDLIFE PROTECTION[4]

Footnotes:

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Cross reference— Animals generally, ch. 10.

Sec. 66-401. - Findings.

(a) Various species of animals found in the town have been classified by the state game and fresh water fish commission as endangered, threatened, or species of special concern, reflecting a depletion in population so critical that extinction is possible.

(b) These species may be of aesthetic, ecological, educational, historical, recreational, economic or scientific value.

(c) The town seeks to preserve a stable ecosystem, which is dependent upon the number and diversity of constituent species.

(d) The protection of these species requires preservation of occupied habitat, protective buffers and adequate management measures.

(Code 1982, § 11.5-51)

Sec. 66-402. - Purpose.

The purpose of this article is to protect listed species that inhabit the town by safeguarding the habitat in which they live from various impacts associated with development.

(Code 1982, § 11.5-52)

Sec. 66-403. - Applicability.

This article is applicable to:

(1) All undeveloped parcels of 15 acres or more that are entirely or partially forested by native vegetation or mixtures of native and exotic vegetation.

(2) All undeveloped parcels containing areas of wetland vegetation of two acres or more.

(3) Undeveloped parcels upon which listed species have previously been identified.

(Code 1982, § 11.5-53)

Sec. 66-404. - Identification.

Applicable parcels shall be inventoried by a biologist, ecologist or other related professional hired by the developer for species listed in the state game and fresh water fish commission's "Official Lists of Endangered and Potentially Endangered Species" as endangered, threatened or species of special concern.

(Code 1982, § 11.5-54)

Sec. 66-405. - Standards.

When species listed by the state game and fresh water fish commission's "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida" are identified on development sites, a management plan shall be prepared by an ecologist, biologist or other related professional to ensure that species protection shall be approved by the planning, zoning and building department prior to approval of development.

(Code 1982, § 11.5-55)

Sec. 66-406. - Management plan.

The management plan shall be consistent with the requirements of the state game and freshwater fish commission.

(Code 1982, § 11.5-56)

Sec. 66-407. - Consultants.

The town may hire a qualified consultant, at the expense of the developer, to review the management plan, if necessary.

(Code 1982, § 11.5-57)

Secs. 66-408—66-440. - Reserved.

ARTICLE VI. - SOIL EROSION, SEDIMENT CONTROL AND FUGITIVE DUST[5]

Footnotes:

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Cross reference— Floods, ch. 50; stormwater management, § 86-86 et seq.; erosion protection of Ocean Boulevard, § 106-81 et seq.; stormwater control, § 122-151 et seq.

Sec. 66-441. - Findings.

(a) Land disturbing activities can cause excessive runoff and accelerate the process of soil erosion, resulting in the damage and loss of natural resources, including the degradation of water quality.

(b) In addition, emissions of particulate matter during construction and demolition, including but not limited to incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition or wrecking of buildings or structures, or the stockpiling of particulate substances may trespass on neighboring properties and degrade air quality.

(c) The town finds that:

(1) Excessive quantities of soil may erode from areas undergoing development due to land disturbing activity.

(2) Soil erosion can result in the degradation of valuable shoreline resources, such as dunes and lagoonal shoreline communities.

(3) Sediment from soil erosion can clog storm sewers and swales, and silt navigational channels.

(4) Sediment and sediment-related pollutants degrade wetland systems, including Lake Worth, resulting in the destruction of aquatic life and degradation of water quality.

(5) Airborne sediments can constitute a nuisance for adjacent property owners, and degrade the quality of the air.

(Code 1982, § 11.5-71)

Sec. 66-442. - Purpose.

The purpose of this article is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or otherwise results in the movement on earth of land situated in the town.

(Code 1982, § 11.5-72)

Sec. 66-443. - Erosion control plan.

No person may engage in land disturbing activity until a plan has been submitted for erosion and sediment control and the plan has been approved by the town. The erosion control standards given in this article should be incorporated, as appropriate, into the erosion and sediment control plan.

(Code 1982, § 11.5-73)

Sec. 66-444. - Standards.

(a) No land disturbing activity during periods of construction or improvement to land shall be permitted in proximity to wetlands or the shoreline of Lake Worth unless a 25-foot buffer zone is provided along the margin of the watercourse.

(b) The angle for graded slopes and fills shall not be greater than the angle that can be retained by vegetative cover, or other adequate erosion-control, devices or structures (generally 4:1 or less). Slopes left exposed will, within ten working days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices or structures sufficient to restrain erosion.

(c) Groundcover sufficient to restrain erosion must be planted or otherwise provided on portions of cleared land upon which further construction activity is not being undertaken within 15 days of clearing.

(d) Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained during and after construction.

(e) Use temporary seeding or sodding, adequate covering, or chemical application, on exposed soils, including stockpiles of topsoil, sand or other construction fill, where delays in construction of more than one day are anticipated.

(Code 1982, § 11.5-74; Ord. No. 21-02, § 8, 11-12-02)

Sec. 66-445. - Exemptions.

Minor land disturbing activities, such as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, provided such activities do not contribute to any on-site generated erosion, or degradation of lands or water beyond the boundaries of the property of the residence involved.

(Code 1982, § 11.5-75)

Sec. 66-446. - Violations.

In addition to other remedies for violation of this chapter, violation of this article shall constitute grounds for the issuance of a stop work order by the building official in accordance with the provisions of the building code.

(Code 1982, § 11.5-76)

Sec. 66-1. - Generally.

(a) *Purpose and intent.*

(1) It is the intent of this chapter to ensure that proposed development is consistent with the town's comprehensive plan.

(2) The purpose of this chapter is to establish those resources or areas of a development site that must be protected from harmful effects of development.

(b) *Relationship to other requirements.* In addition to meeting the requirements of this chapter and other applicable town regulations, development plans shall comply with all applicable federal, state, county, and water management district regulations relating to natural resource protection.

(c) *Compliance with subdividing land.* Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these requirements.

(Code 1982, § 11.5-1)

Sec. 66-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alter or *alteration of stormwater systems* means work done on a stormwater management system other than that necessary to maintain the system's original design and function.

Alter or *alteration of vegetation* means to cut, trim, remove, defoliate, or otherwise destroy or disturb by any means, leaves, limbs, stems, roots, or other plant parts, dead or alive.

Antitranspirant means a protective coating, generally applied to plant materials prior to or immediately after transplanting, that reduces water loss through the leaf surface.

Cultivated landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Detention means the collection and storage of surface water for subsequent gradual discharge.

Dune means a hill or ridge of windblown sand and marine deposits formed by action of the wind and water, often stabilized by vegetation indigenous to this formation.

Erosion and sediment control plan means a plan for the control of soil erosion, sedimentation of waters and sediment related pollutants, and stormwater runoff resulting from land disturbing activity. The town may require the party responsible for carrying out the plan to submit monitoring reports, as deemed necessary, to determine whether the measures required by the approved plan are being properly performed.

Evapotranspiration-based controller means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:

(1) Receives and monitors weather data or on-site environmental conditions;

(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;

(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes but is not limited to semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Land disturbing activity means any land change that may result in soil erosion from water or wind and the movement of sediments and sediment related pollutants in waters, including but not limited to clearing, grading, excavating, transporting and filling of land.

Mangroves means any specimen of Avicenna germinans (black mangrove), Laguncularia racemosa (white mangrove), Rhizaphora mangle (red mangrove), and Conocarpus erectus (buttonwood mangrove), dead or alive, regardless of size.

Moderate drought tolerant means vegetation that requires supplemental irrigation during extreme dry periods to maintain attractive appearance.

Mulch means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native habitat means habitat that predominantly consists of or is used by those communities of plants, animals, and other flora and fauna which occur indigenously on the land, in the soil, or in the water.

Native shoreline vegetation means vegetation that occurs indigenously on the land, in the soil, or in the water.

Pestilent exotic/invasive species means species as identified by the Florida Exotic Pest Plant Council's Invasive Plant List.

Pestilent exotic species means any specimen of Melaleuca (Melaleuca quinquenerva), Australian Pine (Causarina spp.), or Brazilian Pepper (Schinus terebinthifolius), regardless of size.

Planting means the placing on or setting into the ground of live plant material.

Prop roots means the structures originating below the lowest limbs of red mangroves, and which are also known as stilt roots.

Rate means volume per unit of time.

Removal means to relocate, cut down, remove, or in any other manner destroy or cause vegetation to be destroyed.

Retention means the collection and storage of runoff without subsequent discharge to surface waters.

Runoff coefficient means ratio of the amount of rain that runs off a surface to that which falls on it; a factor from which runoff can be calculated.

Sediment means the mineral or organic particulate material that is in suspension or has settled in surface waters or groundwaters.

Sediment related pollutants means substances such as nutrients, pesticides, pathogens, and organic materials that are transmitted with, or in association with, sediment.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a one-year period in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building should be:

(1) The appraised value of the structure prior to the start of the initial repair or improvement, or

(2) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been pre-identified by the code enforcement official and which are solely necessary to assure safe living conditions.

Surface water means water above the surface of the ground whether or not flowing through definite channels.

Temporary irrigation system is one which is not to be supplied by buried polyvinyl chloride (PVC), polyethylene (PE), copper tubing or any other direct buried piping.

Trim or *trimming of vegetation* means to cut branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy. Trimming does not include the cutting of prop/aerial roots.

Turf means continuous plant coverage consisting of grass species suited to growth in the county.

Untrimmed mangrove means a mangrove that has not been trimmed over two successive growing seasons.

Very drought tolerant means vegetation that can survive without supplemental irrigation after establishment.

Wetlands means hydrologically sensitive areas that are identified by being inundated or saturated by surface water or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands shall also be defined as those areas within the regulatory jurisdiction of the department of environmental regulation pursuant to F.S. ch. 403 and F.A.C. rules 17-3, 17-4, and 17-12. Wetlands generally include swamps, marshes, bogs and similar areas.

Window means a visual corridor through vegetation between upland properties and the waterfront.

(Code 1982, § 11.5-2; Ord. No. 13-2013, § 1, 8-13-13; Ord. No. 17-2017 , § 1, 7-12-17)

Cross reference— Definitions generally, § 1-2.

Sec. 66-3. - Enforcement and penalties.

(a) *Generally.* Unless otherwise provided, violations of this chapter are punishable as follows:

(1) Any person who violates any provision of this chapter shall be punished as provided in section 1-14.

(2) Each individual mangrove unlawfully altered under the provisions of this chapter shall constitute a separate offense.

(3) Violators may also be prosecuted under the provisions of chapter 2, article V of this Code, relating to town code enforcement.

(4) In addition to other penalties provided by law, appropriate reforestation, as approved in a shoreline management plan, shall be required for violation of this chapter.

(5) No development approvals shall be issued to any violators of this chapter until the violation has been determined to be resolved by the planning, building and zoning department.

(6) No alteration shall be permitted for five years on mangroves that have been planted to abate a violation of this chapter.

(7) The selection of any of the above penalties shall not preclude the town from seeking relief in the circuit court of the county, by way of injunction or other relief.

(b) *Payment of costs.* Violators of this section shall pay for all costs to the town for the review of any reforestation or other mitigation plan implementation conducted by the town.

(Code 1982, § 11.5-24(f), (g))

Secs. 66-4—66-35. - Reserved.

Sec. 66-36. - Findings.

The town recognizes the following environmental values of native shoreline habitat along Lake Worth:

(1) Native wetland shoreline vegetation:

a. Helps to protect the shoreline against erosion.

b. Provides habitat for a diverse community of plants and animals, including species listed by the state as endangered, threatened, and of special concern.

c. Plays a fundamental role in estuarine nutrition by producing concentrations of organic matter that is utilized by marine organisms within the estuarine food web.

d. Provides a nesting and resting ground for species of migratory birds.

e. Is aesthetically appealing and can be reasonably incorporated as an asset into the landscaping of waterfront residences.

(2) Certain pestilent exotic vegetative species have spread rapidly in the town, displacing and degrading native vegetation and creating ecologically undesirable monocultures.

(3) Upland areas directly adjacent to shorelines can degrade natural shoreline communities when they contain pestilent exotic species with invasive qualities.

(4) When placed along existing bulkheaded shores, riprap provides valuable habitat where there was none before by acting as a rocky substrate for shoreline vegetation and other shoreline organisms.

(Code 1982, § 11.5-36)

Sec. 66-37. - Purpose and intent.

(a) It is the purpose and intent of this article to prevent degradation or loss of native Lake Worth shoreline habitat, and to encourage restoration and improvement of degraded habitat through programs of exotic removal and planting of beneficial native vegetative species.

(b) This article should be used in conjunction with the vegetative provisions of this chapter, article IV.

(Code 1982, § 11.5-37)

Sec. 66-38. - Priorities for shoreline land use.

When reviewing applications for rezoning or amendments to the town's comprehensive plan, shoreline land use shall have the following priorities:

(1) Water-dependent uses such as production or protection of fish, shellfish and wildlife; protection or conservation of coastal and natural resources; recreation, public access, navigation and water-dependent utilities; provided they have no significant adverse impact upon the land, waters or adjacent land uses.

(2) Water-related or water-enhanced uses such as recreation and water-related utilities.

(3) Scenic waterfront communities.

(4) Uses that are not water-dependent or water-related that do not result in a diminution of coastal resources, and that are compatible with existing or committed uses in the town.

(Code 1982, § 11.5-81)

Sec. 66-39. - Requirements.

A shoreline management plan is required whenever:

(1) Alteration or removal of mangroves is requested; or

(2) Mangroves have been altered or removed in violation of this chapter.

(Code 1982, § 11.5-38)

Sec. 66-40. - Shoreline management plan.

The shoreline management plan shall include:

(1) A survey of the shoreline area showing the location and identification, by common and species names, of all vegetation. The mapped area shall include the intertidal area as well as the area 15 feet upland of the mean high tide line.

(2) A map showing proposed alterations.

(3) A map showing proposed mitigation.

(4) A written description of the proposed alteration and the proposed compensation and/or mitigation.

(5) A time schedule for requested activity, including commencement date of alteration and completion date of alteration.

(Code 1982, § 11.5-39)

Sec. 66-41. - Standards.

No alteration of native shoreline communities along Lake Worth shall occur without provision of some compensatory benefit to the shoreline habitat on the property as set forth in section 66-42.

(Code 1982, § 11.5-40)

Sec. 66-42. - Compensatory benefits.

(a) *Inclusion.* Compensatory benefits shall include one or more of the following:

(1) Replacement of pestilent exotic species in the shoreline area with native shoreline vegetation;

(2) Planting native shoreline vegetation in unvegetated areas; or

(3) Placement of riprap along bulkheaded shorelines and vegetating the riprap with mangroves.

(b) *Exemptions.* Applicants with shorelines more than 85 percent vegetated with mangroves or other native wetland shoreline vegetation, and are not degraded by the presence of exotic species, shall be permitted to trim presence of exotic species, shall be permitted to trim windows without compensatory measures, but must meet the other requirements of this chapter.

(Code 1982, § 11.5-41)

Sec. 66-43. - Mangrove trimming.

Trimming of mangrove windows for visual access is permitted under the following conditions:

(1) No more than 20 percent of naturally vegetated shoreline area may be trimmed as windows.

(2) Window areas must be established in the management plan. Once established, window areas may be maintained as part of an approved shoreline management plan.

(3) Established window areas may not be moved without the authorization of the town building official or his designee.

(4) An area twice the area of the window shall be restored by one or more of the methods described in section 66-42.

(5) Nonwindow areas shall be left untrimmed.

(Code 1982, § 11.5-42)

Sec. 66-44. - Mangrove removal.

Mangrove removal must meet the following requirements:

(1) Mangrove removal must meet all the conditions of this chapter.

(2) When total removal is requested, the applicant must provide a mitigation strategy. This strategy must include, at a minimum:

a. Replanting of not less than three times the total land area proposed for alteration at the following mitigation rates: 4:1 for forested wetlands; 2:1 for herbaceous wetlands.

b. Description of species and spacing.

c. The location of the reforestation, its elevation, and all surrounding vegetation.

d. A performance bond guaranteeing the success of the reforestation.

(3) Mangroves used for reforestation purposes shall be grown in pots no smaller than three gallons, have no fewer than two lateral branches, and be a minimum of four feet in height at the time of planting.

(4) No alteration shall be permitted for five years for mangroves that have been planted to abate a violation of this chapter. Otherwise, planted mangroves may be altered after they reach a height of six feet or higher.

(5) Salt marsh vegetation may be used in high energy areas in front of mangrove plantings, as part of required mitigation.

(Code 1982, § 11.5-43)

Sec. 66-45. - Phasing.

Phasing is encouraged for shorelines with extensive exotic invasion. Time periods and precise activities shall be specified.

(Code 1982, § 11.5-44)

Sec. 66-46. - Removal of pestilent exotics.

(a) Removal must be arranged so as to prevent damage to adjacent native ecosystems whenever possible.

(b) An herbicide approved by the town planning, building and zoning department may be used for Brazilian pepper when it is applied by a qualified professional.

(Code 1982, § 11.5-45)

Sec. 66-47. - Maintenance.

Property owners are responsible for maintenance of vegetation as specified in the management plan.

(Code 1982, § 11.5-46)

Secs. 66-48—66-80. - Reserved.

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 66, NATURAL RESOURCE PROTECTION, AT ARTICLE 1, IN GENERAL, SECTION 66-2, DEFINITIONS; AT ARTICLE IV, VEGETATION, SECTION 66-212, PURPOSE AND INTENT; TO INCLUDE A NEW SECTION 66-285, GENERAL UNDER DIVISION 4, DESIGN REQUIREMENTS; AMENDING SECTION 66-286, WATER CONSERVING LANDSCAPE DESIGN; AND AMENDING SECTION 66-311, PROHIBITED PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article I, In General; Section 66-2, Definitions, to read as follows:

"**Sec. 66-2. - Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DSH means diameter at standard height (4.5 feet or 1.37 meters) measured from the top of rootball

~~*Evapotranspiration-based controller* means an irrigation controller that calculates soil moisture from known weather and related inputs, as follows:~~

~~(1) Receives and monitors weather data or on-site environmental conditions;~~

~~(2) Calculates the amount of moisture input to and moisture lost from the soil and plants;~~

~~(3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water necessary to maintain adequate soil moisture.~~

Hat-racking means the removal of main stems, tops of trees, or a significant percentage of tree canopy, generally by cross-cutting the main stem(s) or leaders, leaving stubs.

Hedge means a dense row of regularly spaced shrubs planted to form a continuous, unbroken visual screen.

Mulch means ~~nonliving~~organic, arsenic free material such as wood chips~~, pine straw or bark~~ placed on the soil to reduce evaporation, prevent soil erosion, control weeds and buffer soil

temperature. ~~and synthetic materials customarily used in landscape design to retard erosion and retain moisture.~~

Native plant community is a natural association of plants dominated by one or more prominent native plant species, or a characteristic physical attribute as indicated by the Town of Palm Beach.

Native plant species shall be the plant species indigenous to the ecological communities of South Florida, as indicated as native to South Florida by the University of Florida in the Atlas of Vascular Plants, or that can be scientifically documented to be native to South Florida.

Section 3. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

"DIVISION 1. - GENERALLY

Sec. 66-212. - Purpose and intent.

It is the intent of the town to promote the health, safety and welfare of existing and future residents of the town by establishing minimum standards for the protection of natural plant communities, and the installation and continued maintenance of landscaping within the town, in order to:

(1) ~~Promote water conservation and~~Improve air quality by promoting evapotranspiration and through the use of permeable land areas for aquifer recharge and surface water filtration.
(2) Maintain and improve the aesthetic appearance of the town through appropriate landscape design; thereby protecting and increasing property values throughout the community.
(3) Improve the environmental quality of the town.
(4) Eradicate or control ~~certain~~ invasive exotic plant species as listed on the Florida Exotic Pest Plant Council's List of Invasive Plant Species.
(5) Protect and encourage native shoreline and wetland ecosystems.
(6) Offer special guidelines for the removal and control of those pestilent exotic species that are particularly deleterious to native shoreline environments.
(7) Protect listed plant species that inhabit the town as referenced in Sec. 66-312.
(8) Reduce noise and pollution by designing landscaping to visually screen unsightly views, and reduce noise impacts from major roadways and incompatible uses, through the filtering capacity of living trees and vegetation.
(9) Provide a visual buffer between otherwise incompatible types of land uses,
(10) Strengthen important vistas and reinforce desirable site design.
(11) Promote the use of vegetation for energy conservation by encouraging cooling through the provisions of shade and channeling of breezes.
(12) Encourage the use of rain harvesting systems such as cisterns, as a means to conserve water by reducing overwatering of landscapes.

(13) Promote water conservation and lower water costs through the use of smart irrigation systems.
(14) Promote health and safety through greater use of cultural and biological controls and reduced use of chemical pesticides for the management of pests such as whitefly infestations.
(15) Promote the planting of native vegetation to encourage the presence of birds and wildlife.

Section 4. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-285. – General

(1). At least 25 percent (25%) of all required landscaping, by category in the form of trees, shrubs and ground cover plants, other than grass, shall consist of native vegetation. The Xeriscape Plant Guide by the South Florida Water Management District, or if available County or regional lists as amended may be used to determine appropriate native vegetation.
(2) The hatracking of trees is prohibited.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

Sec. 66-286. - Water conserving landscape design.

(3) *Required vegetation.* The following vegetation is required. The nine principles of Florida Friendly landscaping shall be utilized.

c. Trees.

1. A minimum of one shade/canopy tree is required for every 5,000 square feet, or portion thereof, of a lot, for lots 10,000 square feet or more.
2. A minimum of one shade/canopy tree is required for lots less than 10,000 square feet.
3. Every effort should be utilized to reduce the risk of damage and liability by utilizing more salt tolerant and wind tolerant trees and palms due to the town's coastal proximity and the high risk of hurricanes in South Florida.
4. The selection and placement of all street trees must refer and adhere to the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach.

(5) *Use of organic mulches.* When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms. Appropriate mulching material consists of by-product or alternative mulches such as ~~pinebark,~~eucalyptus, utility or other mulch as recommended by Florida Friendly Landscaping principles. The use of Cypress mulch and dyed mulches are prohibited.

Section 6. Sec. 66-311. Prohibited Plants is hereby amended to include the following provisions:

(d) *Prohibition of ficus benjamina*. Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus benjamina, no new planting of ficus benjamina shall be allowed.

(e~~d~~) Protection of natural area and incentives. The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(f~~e~~) Enforcement. Violations of this section shall be:

(1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsection (a) and (c) of this section.

(2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

Section 7. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 8. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

Kathleen Dominguez, Town Clerk	Bobbie Lindsay, Town Council Member

From: Jorge Sanchez
To: Joshua Martin
Cc: Mario Nievera; Keith Williams; Brian Vertesch
Subject: Proposition 66
Date: Thursday, January 24, 2019 5:35:44 PM
Attachments: Chapter66Proposed11January2019.docx

Dear Josh,

Please excuse the delayed reply to your request. Mario, Keith, Brian & I are in agreement with the notes (in green) attached. We could go into more detail, but this is the basis.

Hope this is helpful,

Jorge

Jorge A. Sanchez
SMI Landscape Architecture, Inc.
140 Royal Palm Way # 206
Palm Beach, FL 33480
(561) 655-9006
www.smilandscapearchitecture.com

Recipient of the Arthur Ross Award

ORDINANCE NO. 21-2018

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I would suggest going into this realm slowly. Possibly having a 15% native vegetation requirement. Let's not forget that PB was created as a Long Islander's dream of the Tropics; not Native. Let's not try to change our history too fast. Don't forget the obvious: 25% of anything is an entire quarter of everything.

(2) The hatracking of trees is prohibited.

Along with a definition of Hatracking there should be one for Pollarding. The latter has been used in the best examples of gardens for over a couple of thousand years. We should not outlaw it.

Section 5. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66, Natural Resource Protection; Article IV, Vegetation, to read as follows:

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2. * A minimum of one shade/canopy tree is required for lots less than 10,000 square feet.

*= I feel this is a good intention but, again, one that crosses the line here in town. Independence in design is what makes our town's gardens the

example to every other town. Forcing residents to do this is not correct. I took the time to look at the following addresses:

1139 North Ocean Blvd

277 Pendleton Ave

229 Barton Ave

1490 Via Manana

2335 South Ocean Blvd

212 Caribbean Rd

I think I can safely say that not one of those properties meet this requirement. Much less most of our Town's properties: public beach; Royal Poinciana Way; Royal Palm Way. The list could go on. Let's make sure we know what we are going to force residents to do.

3. Every effort should be utilized to reduce the risk of damage and liability by utilizing more salt tolerant and wind tolerant trees and palms due to the town's coastal proximity and the high risk of hurricanes in South Florida.

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PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

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Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

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Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

_____
ATTEST: Lewis S.W. Crampton, Town Council Member

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

OFFICERS
Bob Wright, Chairman and CEO
J. Patterson Cooper, Secretary and Treasurer
Ned Barnes, President

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Terry Allen Kramer
Henry R. Kravis
Kevin T. Lamb
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Paul N. Leone
Jeffrey S. Levitt
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Renee C. Lickle
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Burt Manning
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Brian A. McIver *
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Edward H. Meyer
William A. Meyer Jr.
Harriet Miller
Sydell L. Miller
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Linda R. Olsson *
Mary Ourisman
Mehmet C. Oz
Alvin S. Parven
James B. Patterson
Thomas Peterffy
Pauline Pitt
Dr. Donna Plasket
Daniel E. Ponton
Harvey L. Poppel *
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Richard Rampell
Michael Reiter
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Stephen M. Ross
Joseph S. Sambuco
John F. Scarpa *
Stephen A. Schwarzman
Paul C. Shiverick
Harold B. Smith Jr.
Jeffrey W. Smith
Matthew K. Smith
Eliot I. Snider
Christopher W. Storkerson
Robert E. Swanson
William R. Tiefel
Paul J. Van der Grift
Leo A. Vecellio Jr. *
Robert J. Vila
Mary E. Watkins *
James A. Weiner
Bob Wright *

*Executive Committee

Palm Beach CIVIC ASSOCIATION
ANNIVERSARY SEASON 75

139 North County Road, Suite 33 • Palm Beach, Florida 33480
561-655-0820 • www.palmbeachcivic.org

January 24, 2019

Mr. Joshua Martin, Director
Planning, Zoning, and Building Department
Town of Palm Beach
Palm Beach, FL 33480

Dear Josh,

Thank you for the opportunity to comment on the Chapter 66 revisions. As Palm Beach Civic Association Town Beautification Committee Chair, I have reviewed the proposals and offer the following comments:

Revisions to the Definitions:
We concur with the clarification of definitions in this section.

Revisions to the Purposes and Intent:
We concur with these revisions.

Standards related to minimum requirements for native vegetation:
We concur with having a minimum 25% of native plants included in all landscaping projects on the island is progressive and critical to improve sustainability, reduce the amount of pesticides used and attract birds/butterflies/honeybees and other pollinators. The selective use of native plants will not negatively impact the aesthetics of landscaping and garden projects on the island. Pan's and the Mounts Botanical Gardens are role model examples of how native plants can be used and selected to achieve formal and attractive landscaping preferred by some residents in Palm Beach.

Mulching requirements:
We concur with the types mulch allowed. When mulching, good practices should be followed especially around the trunks of trees. Refer to the University of Florida mulching recommendations and their Florida Friendly Landscapes standard.

Hat racking standards:
We concur with prohibiting hat racking. It would be beneficial to better define hat racking as the practice of removing whole tops of trees or large branches and/or trunks form the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader. We recommend instead of hat racking to use selective pruning and thinning methods in accordance with ANSI A300 Standards to ensure the health of

CHAIRMAN EMERITI
Stephen L. Brown
George G. Matthews
Louis C. Pryor

HONORARY
Ralph N. Del Deo
Alexander W. Dreyfoos
Gerald Frank
Isabel P. Furlaud
Richard L. Harrington
George J. Michel, Jr.

LIAISON
Laurel Baker, Palm Beach Chamber of Commerce
Erin Manning, Henry Morrison Flagler Museum

the tree and allow for more light penetration and air circulation. Hat racking can damage the bark of the tree and the substantial loss of leaves reduce the trees ability to photosynthesize and produce food. When a tree is topped many new shoots or suckers begin to grow from the wound. This type of growth attracts insects and other pathogens than can directly enter the open wound and eventually kill the tree.

Prohibition of Ficus Benjamina:
We concur with limiting the use of Ficus Benjamina on the island. There are several other alternatives to be used as hedges that are less prone to whitefly damage and extensive use of pesticides e.g. Podocarpus, Clusia, Cocoplum, etc. Ficus Nitida as a replacement of Ficus Benjamina should also be discouraged.

Required Vegetation:
We concur with proposed minimum standards for the inclusion of shade canopy trees in new landscape projects. According to University of Florida IFAS, shade trees reduce air pollution, block city noise, provide privacy, increase property values, reduce air conditioning costs, absorb carbon dioxide and produce oxygen all vital to environmental sustainability.

Sincerely,

John David Corey, Chair
Town Beautification Committee

From: Garden Club
To: Joshua Martin
Subject: Chapter 66 amendments
Date: Tuesday, January 29, 2019 2:14:28 PM

Dear Mr. Martin

The Garden Club of Palm Beach wishes to extend its support of the 25% native plant requirement, not using Cypress mulch or dyed mulch, banning the use of Ficus Benjamina for new hedges and the proper pruning of trees.

Sincerely,
Elizabeth Thebaut, President
The Garden Club of Palm Beach

PRESERVATION
FOUNDATION
OF PALM BEACH

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L. Frank Chopin, Esquire, *Secretary*
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January 25, 2019

Joshua Martin, AICP, CNU-A
Director
Town of Palm Beach
Planning, Zoning, Building

Dear Mr. Martin,

Thank you for soliciting comments on the proposed Town of Palm Beach Chapter 66 Amendments. I hope these comments will be useful.

As you likely already know, the mission of Pan's Garden is to protect and celebrate Florida's indigenous plants and the wildlife they support, and so we care very much about the proposed amendments. I would be honored to give you a personal tour of the garden and show you the many ways native plants create a beautiful landscape and thrive without chemical interference.

All the best,

Susan Lerner
Director of Horticulture
Preservation Foundation of Palm Beach

Attachment

311 Peruvian Avenue, Palm Beach, Florida 33480 • T 561.832.0731 • F 561.832.7174 • www.palmbeachpreservation.org

COMMENTS FROM SUSAN LERNER, DIRECTOR OF HORTICULTURE
PRESERVATION FOUNDATION OF PALM BEACH

Sec. 66-212. - Purpose and intent.

4) Regarding invasive plants. The FLEPPC list contains Category I and Category II invasive exotic plants.

"Invasive exotic plants are termed **Category I** invasives when they are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused. **Category II** invasive exotics have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by **Category I** species. These species may become **Category I** if ecological damage is demonstrated.' https://www.fleppc.org/list/list.htm

Suggested wording: *Eradicate category I invasive exotic plant species and eradicate or control category II invasive exotic plant species as listed on the most current Florida Exotic Pest Plant Council's List of Invasive Plant Species.*

13) Water conservation is also achieved by using native plants in the landscape and is recommended by the Environmental Protection Agency.
https://www.epa.gov/watersense/what-plant
https://archive.epa.gov/greenacres/web/html/factsht.html

Suggested wording: *Promote water conservation and lower water costs through the use of smart irrigation systems and planting native plants appropriate for the location.*

15) Planting appropriate native vegetation has many benefits in addition of birds and wildlife. Again, from the EPA factsheet linked above:

Why Should I Use Native Plants?

Native plants provide a beautiful, hardy, drought resistant, low maintenance landscape while benefiting the environment. Native plants, once established, save time and money by eliminating or significantly reducing the need for fertilizers, pesticides, water and lawn maintenance equipment.

Native plants do not require fertilizers. Vast amounts of fertilizers are applied to lawns. Excess phosphorus and nitrogen (the main components of fertilizers) run off into lakes and rivers causing excess algae growth. This depletes oxygen in our waters, harms aquatic life and interferes with recreational uses.

Native plants require fewer pesticides than lawns. Nationally, over 70 million pounds of pesticides are applied to lawns each year. Pesticides run off lawns and can contaminate rivers and lakes. People and pets in contact with chemically treated lawns can be exposed to pesticides.

Native plants require less water than lawns. The modern lawn requires significant amounts of water to thrive. In urban areas, lawn irrigation uses as much as 30% of the water consumption on the East Coast and up to 60% on the West Coast. The deep root systems of many native Midwestern plants increase the soil's capacity to store water. Native plants can significantly reduce water runoff and, consequently, flooding.

Native plants help reduce air pollution. Natural landscapes do not require mowing. Lawns, however, must be mowed regularly. Gas powered garden tools emit 5% of the nation's air pollution. Forty million lawnmowers consume 200 million gallons of gasoline per year. One gas-powered lawnmower emits 11 times the air pollution of a new car for each hour of operation. Excessive carbon from the burning of fossil fuels contributes to global warming. Native plants sequester, or remove, carbon from the air.

Native plants provide shelter and food for wildlife. Native plants attract a variety of birds, butterflies, and other wildlife by providing diverse habitats and food sources. Closely mowed lawns are of little use to most wildlife.

Native plants promote biodiversity and stewardship of our natural heritage. In the U.S., approximately 20 million acres of lawn are cultivated, covering more land than any single crop. Native plants are a part of our natural heritage. Natural landscaping is an opportunity to reestablish diverse native plants, thereby inviting the birds and butterflies back home.

Native plants save money. A study by Applied Ecological Services (Brodhead, WI) of larger properties estimates that over a twenty year period, the cumulative cost of maintaining a prairie or a wetland totals $3,000 per acre versus $20,000 per acre for non-native turf grasses.

Suggested wording*: Promote the planting of appropriate native vegetation to encourage the presence of birds and wildlife, and to eliminate or significantly reduce the need for fertilizers, pesticides and water.*

Sec. 66-285. – General

1) An excellent resource for appropriate native plants is the Institute for Regional Conservation website, specifically "Natives for Your Neighborhood".
https://www.regionalconservation.org/beta/nfyn/

I am very pleased to see the town move toward requiring a percentage of native plants, joining the numerous counties and municipalities in the state that have done the same.

Some of the municipalities with native plant requirements:
Brevard, Dade County, Indian River County, Islamorada, Key Colony Beach, Key West, Lee County, Manatee County, Marathon, Martin County, Monroe County, Miami, Ocoee, Palm Beach County, Pasco County, Polk County, St Lucie County, West Palm Beach

2) Hat-racking is a damaging tree-trimming practice in any locale, even more treacherous in coastal Palm Beach with high winds. The recent Palm Beach Daily News article addressed the issues very well.
https://www.palmbeachdailynews.com/lifestyles/home/why-hatracking-weakens-trees/YTh8IPtHU7lLPTuIPdUYcP/

Native Species Best Practice Research

West Palm beach Sec. 94-445

Plant species . A minimum of 60 percent of plant material added shall be Florida native or drought tolerant species selected from the city list or the list of species in the most recent edition of South Florida Water Management District Waterwise South Florida Landscapes.

Jupiter Sec. 26-67

All development approvals, including subdivisions and plat approvals shall preserve a minimum of 25 percent of each native plant community located on the site. The preservation requirements for native upland vegetation and the preservation requirement for environmentally sensitive lands shall be calculated and applied separately for each parcel. Preference shall be given to preserving environmentally sensitive lands.

Manalapan Sec. 157.83

A minimum of fifty (50) percent of all trees required to be planted on the site shall belong to native species as set forth in the approved plant list on file with the Director.

Shrubs and hedges. A minimum of fifty (50) percent of all shrubs and hedges required to be planted on the site shall belong to the native species as set forth in the approved plant list on file with the Director.

Royal palm Sec. 15-143

A minimum of fifty (50) percent of all trees required to be planted on the site shall belong to native species as set forth in the approved plant list on file with the department.

Shrubs and hedges. A minimum of fifty (50) percent of all shrubs and hedges required to be planted on the site shall belong to the native or drought tolerant species as set forth in the approved plant list on file with the department.

SAMPLE OF TREE REQUIREMENTS – LOCAL LANDSCAPE CODES

West Palm Beach, FL

"Single-family dwelling units. For single-family and duplex dwelling units, at least one shade or flowering tree shall be planted for each 1,000 square feet of open space or portion thereof. At least one shrub shall be planted for each 500 square feet of open space or portion thereof. Front yards shall be landscaped to meet the requirements of section 94-482(a)." 94-442

"*Substitution of palm trees*. Palm trees may be substituted for not more than 35 percent of the *shade* or flowering trees required by this article. However, when palm trees are substituted for *shade* trees, three palm trees shall be provided for each required *shade tree*. This 3:1 substitution shall not be required for Royal Palm Trees (Roystonea spp.), Senegal Date Palm (Phoenix reclinata), Medjool Date Palm (Phoenix dactylifera), Bismarck Palm (Bismarckia nobilis), and Silver Date Palm (Phoenix sylvestris)." 94-442

Palm Beach County, FL

Urban/Suburban Tier: Minimum number: 1 tree per 1,250 sq. ft. of lot size (maximum 15). Minimum height: 12 ft., 2.5" caliper. Palms may not be used in excess of 25% of the total number of required trees. Three palms are required as replacement for one tree. Minimum number of species: 2 (greater number of trees = greater number of species). (Article 7, Chapter C – ULDR)

Boca Raton, FL

"Trees shall be planted at a density of 1 tree per 1,250 square feet of open space provided." 28-1247

Manalapan, FL

"*Single family.* Each parcel shall contain a minimum of one (1) shade tree and ten (10) shrubs per one thousand (1,000) square feet of lot area or portion thereof, which is not utilized for structures or vehicular use areas. Three (3) palm trees clustered may be substituted in lieu of a shade tree. However, in no case shall palm tree clusters be used to reduce the number of shade trees to less than fifty percent (50%) of the total number of required shade trees on any lot or portion thereof." 157.75

"F) *Tree species mix.* When ten (10) or more trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is indicated in the table hereinbelow. Species shall be planted in proportion to the required mix. This species mix standard shall not apply to areas of vegetation required to be preserved

Required # of Trees	***Minimum # of Species***
10-15	2
16-25	3
26-35	4

36+	5

” 157.75

Naples, FL

No shade tree requirements

Wellington, FL

“Trees. One (1) tree shall be planted or preserved for every one thousand five hundred (1,500) square feet of the gross lot area, excluding areas of vegetation required to be preserved by Section 7.4 and areas left to be undisturbed. Credit for existing trees will be given in accord with Section 7.3.7. The minimum tree and shrub planting standard is exclusive of trees, shrubs or hedges required to be planted in perimeter buffers, however, trees preserved in open common spaces shall receive a credit against the landscape area requirements.” 7.3.6

Gulfstream, FL

“The landscape architectural standards have been developed to reinforce the overall character and the image of the town environment.

(C)The correct selection of plant material:

(4)Provides *shade*.”70-146

Jupiter, FL

“Promote energy conservation through the creation of shade and reduce heat gain in and on buildings or paved areas;” 23-2

“Plant materials. A minimum of one shade tree, 12 to 14 feet in height, three palm trees, eight to 12 feet of clear trunk, or three accent trees, six to ten feet in height shall be provided for every 250 square feet of foundation planting. Additional plant material such as a combination of mass plantings of shrubs, a minimum of two to three feet in height, or mass plantings of groundcover, a minimum of one-half foot up to two feet in height, and/or accent plants shall also be required to provide a foundation for the building, accent architectural features, and reduce the scale of a building.” 23-62

“No more than 50 percent of the total trees required or proposed on-site may be palms (all species). Fifty percent or more shall be native plant material as recognized by the Xeriscape Plant Material Guide I or II, published by the South Florida Water Management District.”23-86

Palm Beach Gardens, FL

“Minimum requirements for single-family and duplex residences. Single-family and duplex lots will have a minimum of one tree or two palms and six shrubs per 1,000 square feet of open space or fraction

thereof. A shade tree from the city's preferred tree list is required as a street tree, located within the road right-of-way or within 15 feet of the property line. Street trees are to be replaced if removed for any reason by the landowner." 78-314

Delray, FL

"One shade tree shall be planted for every 2,500 square feet of lot area. Shade trees for single family residences shall be a minimum of 12 feet in height with a five-foot spread at the time of installation. Existing trees preserved on the site with the same specifications as above, may be credited toward this tree requirement" 4.6.16 (H)

MUNICIPAL/COUNTY NATIVE VEGETATION REQUIREMENTS
Beth Dowdle

Brevard - 50% Native vegetation required
- Satisfaction of the landscaping standards shall be achieved through the preservation of existing native vegetation to the greatest extent feasible. When the minimum landscaping standards cannot be achieved through preservation, plantings of new vegetation shall be required to meet the standards.

Dade County - 30% Native vegetation required

Indian River County - 50% Native vegetation required
- Minimum number of species diversity required
- Wide planted buffers between commercial properties & along roadways

Islamorada - 75% Native vegetation required
- The director of planning and development services may reduce the height requirement 50 percent for rare native plant species.

Key Colony Beach - 50% Native vegetation or xeriscape vegetation required

Key West - 70% Native vegetation required
- The natural landscape of the site shall be preserved as much as possible.
- Prior to the issuance of a certificate of occupancy for a new development, the owner/applicant shall remove all nuisance and Invasive vegetation from the site for which a development order or permit is requested.
- The clearing of native vegetation sufficient to create the required landscape screening or portion thereof is prohibited without approval from the city
- Credit shall be granted for trees which are preserved on a site and which meet the tree requirements of any landscaping section of this division

Lee County - 75% Native vegetation required for tree species; 50% Native vegetation required for shrub and groundcover species

Manatee County - 30% Native vegetation required
- Residential Street Trees: Existing native trees should be used to fulfill ordinance requirements when feasible
- Preserve native plant communities is encouraged and required as appropriate
- Right plant in the right place for soil conditions
- Plantings in required landscape areas shall be with plant species that are native and/or naturalized to Florida. All required landscape areas shall retain existing native trees, shrubs, groundcover and grasses to the greatest extent possible. Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

Marathon - 70% Native vegetation required Martin County – 50% Native vegetation required

Monroe County – 70% Native vegetation required

Miami - 30% Native vegetation required
- The right plant in the right place for dry and wet soils
- Reduce negative impact of exotic pest plant species
- Prohibit use of noxious exotic plants which invade native plant communities
- Maximum size of turfgrass lawn area
- One native plant per square foot in retention/detention areas

Ocoee – 40% Native tree required; 40% Native shrubs and groundcover required.

Pasco County – 30% Native vegetation required.

Polk County - Recommends native vegetation and includes native vegetation on the recommended plant list

St. Lucie County - 50% Native vegetation or waterwise landscape required
- Existing, native trees, vegetation and other natural features shall be preserved to the extent practicable.
- Residential: 100% of the planted trees shall consist of native species or waterwise vegetation
- Agriculture/horticulture buildings: 100% of the planted trees shall consist of native species
- Large scale residential and commercial: A minimum of 15% of any existing native upland habitat on the property must be preserved in its natural condition as part of the required 35 percent common open space. For each acre of preserved native habitat above the required minimum 15 percent that is preserved in its original state, credit shall be given at a rate of 150 percent per acre towards the remaining common open space requirement.
- Planned Unit Developments: A minimum of 50% of any existing native upland habitat on the property must be preserved in its natural condition as part of the required open space. For each acre of preserved native habitat above the required minimum 50% that is preserved in its original state, credit shall be given at a rate of 150% per acre towards the remaining open space requirement.
- The preservation of existing native vegetation shall be required where the location of said vegetation is not in conflict with the proposed building or parking areas.

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum dated March 8, 2019, from Josh Martin, Director of Planning, Zoning and Building**
- **Ordinance No. 9-2019**

TOWN OF PALM BEACH

Information for Town Council meeting on: March 19, 2019

To: Mayor and Town Council

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

Re: Request for a Ninety Day Extension on the Moratorium Related to Shared Scooters and/or Other Personal Transportation Vehicles
Ordinance No. 9-2019

Date: March 8, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council approve Ordinance No. 9-2019 which provides for a ninety (90) day extension of the moratorium related to shared scooters and/or other personal transportation vehicles.

BACKGROUND

The Town Council, at its October 10, 2018 meeting, approved emergency Ordinance No. 20-2018, which created a moratorium on the issuance of permits or approvals for the sharing of bicycles, scooters and/or other personal transportation vehicles. The moratorium was instituted in order to provide time for staff to examine and make a recommendation to the Town Council on possible zoning regulations. This Ordinance also provided the ability for the Town to extend the moratorium by a maximum of ninety (90) days to complete the review of possible regulations.

On January 15, 2019 and February 19, 2019, the Planning and Zoning Commission considered staff's proposed regulations related to shared scooters and other personal transportation vehicles. On February 19th, the Commission made a recommendation to the Town Council regarding regulations for docked and dockless shared scooters. Based on their recommendation, staff is working on two proposed ordinances which would prohibit shared docked or dockless scooters. The first reading of the ordinances are scheduled to be heard by the Local Planning Agency and the Town Council at first reading on April 9, 2019, with the second reading and adoption tentatively scheduled for May 15, 2019.

Since the moratorium is expiring on April 9th, staff is requesting the Town Council adopt Ordinance No. 9-2019 which extends the moratorium for an additional ninety (90) days in order to complete the final adoption process. The extension of the moratorium will expire on July 9, 2019.

TOWN ATTORNEY REVIEW

Ordinance No. 9-2019 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Castro, Zoning Administrator

ORDINANCE NO. 9-2019

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE TEMPORARY MORATORIUM ESTABLISHED IN ORDINANCE NO. 20-2018 FOR A PERIOD OF NINETY (90) DAYS FROM APRIL 9, 2019, SAID MORATORIUM TO BE EFFECTIVE THROUGH AND INCLUDING JULY 8, 2019. BASED UPON A FINDING BY THE TOWN COUNCIL THAT THE ISSUE GIVING RISE TO THE NEED FOR THE TEMPORARY MORATORIUM ESTABLISHED THEREIN CONTINUES TO EXIST. IN ORDER TO ALLOW AN OPPORTUNITY FOR THE TOWN TO DEVELOP REGULATIONS FOR THE SUBMITTAL, AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS OR FRANCHISES PERTAINING TO SCOOTER SHARING AND/OR PERSONAL TRANSPORTATION VEHICLES, AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 10, 2018, the Town Council adopted Ordinance No. 20-2018, declaring, establishing and imposing a temporary moratorium within the Town of Palm Beach on the submittal and processing of applications and issuance of any permits or franchises pertaining to bicycle or scooter sharing; and

WHEREAS, said moratorium was established for a period of 180 days from the date of adoption of the Ordinance in order to allow an opportunity for the Town to develop regulations for such uses in the Town, County, and Florida Department of Transportation rights-of-way; and

WHEREAS, during the period of this moratorium, the Town and Staff have been diligently studying this matter in order to evaluate and make recommendations for the sharing of bicycles, scooters, and/or other personal transportation vehicles in the public rights-of-way in a manner which will better promote the safety and general welfare of the Town, its residents, and visitors; and

WHEREAS, said study has not yet been completed and will not be complete prior to the expiration of the moratorium established under Ordinance No. 20-2018; and

WHEREAS, the Town Council finds and declares that the issue giving rise to the need for the temporary moratorium established in Ordinance No. 20-2018 continues to exist; and

WHEREAS, based upon such finding, the Town Council wishes to extend the temporary moratorium for an additional 90 days beginning April 9, 2019.

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

Section 1: Legislative Findings of Fact: The Town Council finds and declares that:

(a) All of the statements set forth in the recitals to this Ordinance are true and correct and are hereby adopted as part of this Ordinance.

(b) For the purposes set forth herein, the Town Council finds that it is in the best interest

of the general public and there exists a need to declare an extension of the moratorium on the issuance of permits or approvals for the sharing of bicycles, scooters and/or other personal transportation vehicles in order for the staff to examine and make recommendations to the Town Council as to regulations to be considered by it.

Section 2: The Town Council, by adoption of this Ordinance, hereby extends the temporary moratorium now in effect and established by Ordinance No. 20-2018 for an additional ninety (90) days, said moratorium to continue from April 9, 2019 through and including July 8, 2019.

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby suspended during the period of this moratorium.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption on first reading as an emergency ordinance.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 19th day of March, 2019.

_____
Gail L. Coniglio, Mayor

_____
Town Council President

_____
Council President Pro Tem

_____
Town Council Member

_____
Town Council Member

_____
Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 19, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated March 12, 2019, from Jay Boodheshwar, Deputy Town Manager**
- **Ordinance No. 13-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Proposed Modifications to Chapter 134, Article X – On-Street Parking Permits
Ordinance No. 13-2019

Date: March 12, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 13-2019, amending Chapter 134, Article X – On-Street Parking Permits, of the Town Code of Ordinances.

GENERAL INFORMATION

Chapter 134, Article X of the Town Code of Ordinances outlines how the Town must administer the residential permit parking program for on-street parking spaces, including the issuance of permit decals and visitor passes. The Code currently restricts the number of visitor pass to two (2) per property, in addition to the two (2) decals properties are also entitled to.

Over the years staff has received suggestions from time to time to create more flexibility for residents in how we administer the issuance of permits. Most recently, I received multiple requests from residents in the Sea streets to not limit the number of visitor passes to two, but instead allow for the flexibility to purchase one (1) decal and three (3) visitor passes for example. Staff feels that this is a very reasonable and resident friendly request, hence the recommendation to modify the code to create this flexibility. Simply put, the attached Ordinance No. 13-2019 will provide residents in RPP areas the flexibility to purchase up to four (4) permits in whatever form (decal and/or visitor pass) they deem most beneficial to their needs.

Attachment

cc: Jane LeClainche, Director of Finance
Nick Caristo, Acting Police Chief
Ben Alma, Code/Parking Enforcement Manager
John C. Randolph, Town Attorney

ORDINANCE NO. 13-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ARTICLE X. – ON-STREET PARKING PERMITS, AT SECTION 134-2296(C) AND SECTION 134-2327(2); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2), to read as follows:

"Sec. 134-2296. – Issuance of special parking permits upon application.

(c) Visitor/service permits. ~~Upon application by such owner, up to two visitor/service permits may be issued,~~ In addition to the decals issued pursuant to Section 134-2295(b) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of four permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. The permit or permits shall be valid for a fiscal year as defined in section 134-2292 and may be renewed each successive fiscal year. A fee, as determined by resolution of the town council shall be charged for each visitor/service permit and shall be payable at the finance department. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

"Sec. 134-2327. – Issuance.

(2) *Visitor/service permits* In addition to the Resident permits provided under (1) above, upon application by owner, owner may be issued visitor/service permits, which ~~Upon application by such owner, up to two visitor/service permits may be issued,~~ permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of four permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. A fee is hereby authorized for issuance of said permit payable to the finance department for each visitor/service permit. The amount of the fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 19th day of March, 2019, and for second and final reading on this _____ day of _____, 2019.

_____
Gail L. Coniglio, Mayor

_____
Town Council President

_____
Council President Pro Tem

_____
Town Council Member

ATTEST:

_____
Town Council Member

_____
Kathleen Dominguez, Town Clerk

_____
Town Council Member