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

FEBRUARY 14, 2017

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
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. CERTIFICATION OF ELECTION RESULTS

A. RESOLUTION NO. 08-2017 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 7th Day of February 2017. Page 12

Gail L. Coniglio, Mayor

V. RECOGNITIONS

A. Recognition of Michael J. Pucillo for His Years of Service on the Town Council from 2011-2017, Including Two Years of Service as the Town Council President.

Gail L. Coniglio, Mayor

B. Recognition for Service for John T. Gannon, Landmarks Preservation Commission, from May 2014 through December 2016

John S. Page, Director of Planning, Zoning and Building

VI. SWEARING IN OF ELECTED OFFICIALS

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

(Mayor Becomes the Presiding Officer)

VII. ORGANIZATIONAL ITEMS

A. 1. Election of Town Council President Page 17
Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes the Presiding Officer)

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

Thomas G. Bradford, Town Manager

VIII. COMMENTS OF MAYOR GAIL L. CONIGLIO

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

X. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XI. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

Page 21

1. <u>TOWN COUNCIL MEETING MINUTES</u>
Susan A. Owens, MMC, Town Clerk

a. Minutes of the November 8, 2016, Regular Meeting
b. Minutes of the December 13, 2016, Regular Meeting
c. Minutes of the January 6, 2017, Special Town Council Meeting
d. Minutes of the January 10, 2017, Regular Meeting
e. Minutes of the January 10, 2017, Closed-Door Session

2. <u>LOCAL PLANNING AGENCY MEETING MINUTES</u> Page 78
John S. Page, Director of Planning, Zoning and Building

a. Minutes of the November 9, 2016, LPA Meeting
b. Minutes of the December 14, 2016, LPA Meeting
c. Minutes of the January 11, 2016, LPA Meeting

3. DEVELOPMENT REVIEW MEETING MINUTES — Page 94
John S. Page, Director of Planning, Zoning and Building

a. Minutes of the November 9, 2016, Regular Meeting
b. Minutes of the December 14, 2016, Regular Meeting
c. Minutes of the January 11, 2017, Regular Meeting — Page 132

4. Approval of Major Matters Considered by the Architectural Commission at its Meeting on January 25, 2017.
John S. Page, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 09-2017 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Duval Ford in the Amount of $147,390 for the Purchase of Four (4) 2017 Ford Interceptor Police Rated Utility Vehicles as Recommended by Staff; and Establishing a Total Budget of $149,000; and Providing an Effective Date. — Page 156
Kirk W. Blouin, Director of Public Safety

2. RESOLUTION NO. 10-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract Renewal with Howroyd Wright Employment Agency, Inc. DBA AppleOne Employment Services, to Provide Temporary Employment Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. — Page 169
Jane Struder, Director of Finance

3. RESOLUTION NO. 11-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Continued Services of Greenberg Traurig, LLP, to Represent the Town for Coastal Management Lobbying Services at a Cost Not to Exceed $30,000 Annually. — Page 174
Thomas G. Bradford, Town Manager

4. RESOLUTION NO. 12-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Continued Services of Foley & Lardner, LLP, to Represent the Town for Coastal Management Lobbying Services at a Cost Not to Exceed $60,000 Annually. — Page 180
Thomas G. Bradford, Town Manager

5. RESOLUTION NO. 13-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Continued Services of Ballard Partners to Represent the Town for — Page 189

General Lobbying Services at a Cost Not to Exceed $50,000 Annually.

Thomas G. Bradford, Town Manager

Page 195

6. RESOLUTION NO. 14-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Interlocal Agreement Between the Town of Palm Beach and Palm Beach County Relating to Information Technology Services Installation of a Fiber Data Circuit; Approving the Installation of a New Fiber Circuit by Palm Beach County Information Technology Services in the Amount of $10,625.50 With Recurring Charges of $50.00 per Month or $600.00 Annually for Network Services; Approving the Purchase of a Cisco Router from CDW-G in the Amount of $1,488.70; and the Total Estimated Amount of $12,714.20; Establishing a Budget of $17,714.20 for Said Purchases; and Authorizing the Town Manager to Execute Said Purchases on Behalf of the Town.

   Jay Boodheshwar, Deputy Town Manager

Page 219

7. RESOLUTION NO. 15-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Richard Maxwell, Inc. DBA King Tree Service, for Consulting Arborist Services, in the Annual Amount of $44,200, and Establishing an Annual Project Budget of $48,865.

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

Page 225

8. RESOLUTION NO. 16-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of $95,080 for the E-1, E-2, E-4 and G-1 Sanitary Station Improvements, and Establishing a Design and Bid Phase Budget of $106,000.

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

Page 233

9. RESOLUTION NO. 17-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2017-07 and Approving a Construction Contract to Johnson-Davis, Inc., for the Ocean Outfalls Abandonment Project, in the Amount of $499,312 and Establishing a Construction Phase Budget of $510,000.

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

Page 238

10. RESOLUTION NO. 18-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to A.D.A. Engineering, Inc., in an Amount of $28,376.25 for the Ocean Outfall Abandonments, and Establishing a Construction Phase Budget of $30,000.

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

Page 246

11. RESOLUTION NO. 19-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Zimmerman Tree Service, for Palm Tree Trimming in the Amount of $108,235 and Establishing a Project Budget

of $119,055.

H. Paul Brazil, P.E., Director of Public Works Page 252

12. RESOLUTION NO. 20-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving and Authorizing Execution of a National Pollutant Discharge Elimination System Fourth Cycle Permit Interlocal Agreement with the Northern Palm Beach County Improvement District.

    H. Paul Brazil, P.E., Director of Public Works Page 274

13. RESOLUTION NO. 21-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 45-2016 Previously Approved by the Town Council on April 13, 2016, Which Resolution is Recorded in O.R. Box 28261, Page 0280, Copy of Which is Attached, Correcting Said Resolution to Attach the Correct Exhibits.

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

C. OTHER

1. Budget Calendar for FY18 Budget Process Page 290

    Jane Struder, Director of Finance

2. Town of Palm Beach Underground Utility Project Dashboard Page 293

    Jane Struder, Director of Finance

3. Ratification of the Selection Committee's Recommendation for RFQ No. 2017-01 Professional Engineering Services for the D-14 Pump Station Improvements. Page 308

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

4. Extension of Waiver to Town Code for Extended Construction Hours and Work During Season for Water Main Relocation by The City of West Palm Beach. Page 312

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

5. Authorization for the Public Works Committee to Study Support of Beach Clean Up Activities, and Public Beach Access Improvement Agreements. Page 318

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

XII. BOARD/COMMISSION ANNUAL REPORT

A. Investment Advisory Committee Annual Presentation Page 320

Michael F. Andrews, Ph.D., Chair

XIII. COMMITTEE REPORTS

A. Report of the Ordinances, Rules, & Standards Committee Meeting of Janaury 12, 2017 Page 356

Bobbie Lindsay, Chair

XIV. REGULAR AGENDA

A. Old Business

1. Recreation Center and Seaview Park Improvements Page 362
   Beth Zickar, Director of Recreation
   TIME CERTAIN: 10:30 A.M.

   a. Business Plan Update

   b. RESOLUTION NO. 22-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving a Purchase Order in the amount of $33,088 to Hedrick Brothers Construction, Inc., for Pre-Construction Phase Services for the Seaview Park and Palm Beach Recreation Center Improvements and Establishing a Pre-Construction Phase Budget of $80,000.
   Beth Zickar, Director of Recreation

B. New Business

1. Consideration of Ban on Use of Leaf Blowers in the Town of Palm Beach Page 441
   TIME CERTAIN: 11:30 A.M.
   Jay Boodheshwar, Deputy Town Manager
2. Consideration of Approval of a Navy Seal Demonstration Using a Helicopter in Conjunction with a Charitable Solicitation Permit Page 597
   Rebecca Williams and Hector Delgado
3. Coastal Update:
   H. Paul Brazil, Director of Public Works

   a. Shore Line Condition Update

C. Matters Pulled From Consent Agenda: If needed

XV. ORDINANCES

A. Second Reading Page 601

1. ORDINANCE NO. 04-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 70, Offenses by Creating a new Section 70-9 Entitled Balloons and Sky Lanterns Release; Providing for the Prohibition on the Release of Balloons and Sky Lanterns Within the Town; Providing Definitions Regarding the Same; Providing for Severability; Providing for Codification; Providing an Effective Date; and for Other Purposes.
   Jay Boodheshwar, Deputy Town Manager Page 605
2. ORDINANCE NO. 05-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Section 2-567. Of The Town Code Of Ordinances Relating To The Creation Of An Investment Advisory Committee; Amending Subsection (G) Thereof So As To Include In The Duties Of The Investment Advisory

Committee The Obligation To Act As A Citizen Oversight Committee In Regard To The One-Cent Surtax Enacted By Law; To Review The Revenues and Expenditures Of Said Surtax Proceeds By The Town And To File An Annual Report To The Town In Regard To The Committee's Duties As A Citizen Advisory Committee; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John C. Randolph, Town Attorney Page 609

3. ORDINANCE NO. 06- 2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 2, Administration, Article X, Shore Protection Board at Section 2-636, so as to Create Term Limits and so as to Provide for The Appointment of Alternate Members; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

   John C. Randolph, Town Attorney

B. First Reading Page 614

1. ORDINANCE NO. 07-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-20, Reserve for Member Contributions; Amending Section 82-134, Retirement Age and Service Conditions for Benefit Group General and Benefit Group Lifeguard; Amending Section 80-135, Amount of Pension for Benefit Group General and Benefit Group Lifeguard; Providing for Severability; Amending Section 82-139, Deferred Retirement Option Program for Members of Benefit Group General and Benefit Group Lifeguard; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

   a. Consideration of Motion to direct current and future fiscal year savings from Ordinance No. 7-2017 to the Pension Fund to reduce unfunded liability of the Pension Fund.

   Jane Struder, Director of Finance Page 626

2. ORDINANCE NO. 21-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 42, Environment; Article V, Noise; Section 42-230, Lawn Maintenance Equipment Noise, so as to Modify the Title; to Provide that Lawn Maintenance Shall be Limited to the Hours of Construction Work at Section 42-199; to Define the Hours and Days, of Operation of Lawn Maintenance Equipment, Providing Certain Exceptions; Providing for Sound Level Meter Measurements; Providing for Definition of Lawn Maintenance Equipment; Providing a Prohibition of Large Scale Landscape Installation on Saturdays; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

XVI. ANY OTHER MATTERS

XVII.ADJOURNMENT

XVIIIFUTURE MEETINGS

PLEASE TAKE NOTE:

Note 1: No written materials received after 3:30 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 3:30 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 Any citizen is entitled to be heard concerning any matter under

FROM CITIZENS: 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
Meeting Schedule

2/8/17

Main Town Calendar

Town Council Meeting-Regular Business
February 14, 9:30 AM - 5:00 PM @ Council Chambers
More Details

Town Council Meeting-Development Review
February 15, 9:30 AM @ Council Chambers
More Details

Landmarks Preservation Commission (LPC) Meeting
February 16, 9:30 AM @ Council Chambers
More Details

Code Enforcement Board Meeting
February 16, 2:00 PM
More Details

Investment Advisory Committee Meeting
February 17, 2:30 PM @ Council Chambers
More Details

Presidents' Day-Town Hall Offices Closed
February 20, All Day
More Details

Architectural Commission (ARCOM) Meeting
February 22, 9:00 AM @ Council Chambers
More Details

Shore Protection Board Meeting
February 23, 9:00 AM
More Details

Commencement of Lights Out for Sea Turtles
March 1, All Day
More Details

Recreation Advisory Commission Meeting
March 1, 9:00 AM
More Details

Ordinances, Rules, and Standards Committee Meeting
March 2, 10:00 AM @ Council Chambers
More Details

Retirement Board Meeting
March 3, 9:00 AM @ Council Chambers
More Details

Underground Utilities Task Force (UUTF) Meeting
March 7, 9:00 AM @ Council Chambers
More Details

Town Council Meeting-Regular Business
March 14, 9:30 AM - 5:00 PM
More Details

Town Council Meeting-Development Review
March 15, 9:30 AM @ Council Chambers
More Details

Landmarks Preservation Commission (LPC) Meeting
March 16, 9:30 AM @ Council Chambers
More Details

Code Enforcement Board Meeting
March 16, 2:00 PM @ Council Chambers
More Details

Planning and Zoning Commission Meeting
March 21, 9:30 AM
More Details

Architectural Commission (ARCOM) Meeting
March 22, 9:00 AM @ Council Chambers
More Details

Shore Protection Board Meeting
March 23, 9:00 AM
More Details

Underground Utilities Task Force (UUTF) Meeting
April 4, 9:00 AM @ Council Chambers
More Details

Ordinances, Rules, and Standards Committee Meeting
April 6, 9:30 AM @ Council Chambers
More Details

Town Council Meeting-Development Review
April 12, 9:30 AM @ Council Chambers
More Details

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda

Certification of Election Results

Agenda Title

RESOLUTION NO. 08-2017 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 7th Day of February 2017.

Presenter

Gail L. Coniglio, Mayor

ATTACHMENTS:

- **Memorandum Dated February 8, 2017, from Susan A. Owens, Town Clerk, MMC**
- **Resolution No. 08-2017**

TOWN OF PALM BEACH
Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Susan A. Owens, MMC, Town Clerk

Re: Certification of February 7, 2017, General Election Results
Resolution No. 08-2017

Date: February 8, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 08-2017, declaring the results of the February 7, 2017, Town of Palm Beach General Election.

GENERAL INFORMATION

On January 3, 2017, the Town of Palm Beach held its 105th 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, February 7, 2017. 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, February 7, 2017. Two nominations were received for Council Member Group 2, those being Julie Araskog and Martin I. Klein.

On February 7, 2017, 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

SAO

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

RESOLUTION NO. 08-2017

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 7TH DAY OF FEBRUARY, 2017.

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 3, 2017 and were unopposed; and

WHEREAS, on the 7th day of February, 2017, 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
MARTIN I. KLEIN

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 7th day of February, 2017, 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	1,386 votes
MARTIN I. KLEIN	1,222 votes

1,978 VOTES WERE CAST BY THE USE OF OPTICAL SCAN VOTING MACHINES, 612 VOTES WERE CAST BY ABSENTEE BALLOT, 22 VOTES WERE CAST BY PROVISIONAL BALLOTS, AND 4 UNDER VOTES FOR A TOTAL OF 2,608 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 February 7, 2017, 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 14th day of February, 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Organizational Items

Agenda Title
1. Election of Town Council President
   Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes the Presiding Officer)

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

Presenter
Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Memorandum dated February 8, 2017, from Tom Bradford**
- **Ballot for Election of President**
- **Ballot for Election of President Pro Tem**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Town Council

From: Thomas G. Bradford, Town Manager

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

Date: February 8, 2017

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 Cheryl Kleen by 12:00 p.m. on Monday, February 13, 2017.

Attachments

TGB:cek

cc: Gail L. Coniglio, Mayor
Susan A. Owens, Town Clerk

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING FEBRUARY 14, 2017

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

Bobbie Lindsay

Richard Kleid

Danielle Moore

Margaret Zeidman

Signature of Town Council Member: _____

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

TOWN COUNCIL MEETING FEBRUARY 14, 2017

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

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

Julie Araskog

Bobbie Lindsay

Richard Kleid

Danielle Moore

Margaret Zeidman

Signature of Town Council Member: _____

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Minutes

Agenda Title
TOWN COUNCIL MEETING MINUTES
Susan A. Owens, MMC, Town Clerk

a. Minutes of the November 8, 2016, Regular Meeting
b. Minutes of the December 13, 2016, Regular Meeting
c. Minutes of the January 6, 2017, Special Town Council Meeting
d. Minutes of the January 10, 2017, Regular Meeting
e. Minutes of the January 10, 2017, Closed-Door Session

Presenter

ATTACHMENTS:

- **Minutes of the November 8, 2016, Regular Meeting**
- **Minutes of the December 13, 2016, Regular Meeting**
- **Minutes of the January 6, 2017, Special Town Council Meeting**
- **Minutes of the January 10, 2017, Regular Meeting**
- **Minutes of the Janaury 10, 2017, Closed-Door Session**

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, NOVEMBER 8, 2016

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, November 8, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the agenda:

- Ryan Hamrick, P.E., Project Manager, PCL, Civil Contractors, was removed from the list of presenters for Item No. IV.A., Flagler Memorial Bridge Update.

- Item No. VII.B.9, Resolution No. 205-2016, The "FUNDING/FISCAL IMPACT" section of the Staff memorandum was corrected to read, *"This increase will be fully funded from the IT Equipment Fund contingency balance upon approval."*

- Item No. IX.A.3., Consideration of Modifications to Pedestrian Signalization, was deferred to the December 13, 2016, Town Council meeting.

- Item No. X.A.2., Ordinance No. 20-2016, was tabled indefinitely for additional ORS Committee Review

- Item No. VIII.C.4., Status Report of Delinquent Accounts, was pulled from the Consent Agenda and placed under Item VIII.C., Matters Pulled from Consent Agenda

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

IV. PRESENTATIONS

A. Flagler Memorial Bridge Update
Geoffrey Parker, P.E., New Millennium Engineering & Ryan Hamrick, P.E., Project Manager, PCL Civil Contractors

Mr. Parker provided an update on the projects and activities taking place at the Flagler Memorial Bridge.

Discussion ensued regarding the target completion date of December 3, 2016, ensuring the new bridge is fully functioning before taking the old one down, and sending out an e-blast to all residents reminding them to stay tuned on the bridge opening.

B. Code Enforcement Board Presentation by Applicant
Kirk W. Blouin, Director of Public Safety

Daniel McDonald provided a presentation to the Town Council.

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked Daniel McDonald for his role as the West Palm Beach Commission meetings liaison, spoke regarding the Town's upcoming Veterans Day celebration on December 13, 2016, at 9:00 a.m. at the Town Square Memorial Park, invited veterans to come and be recognized for their services, and welcomed suggestions from residents for the celebration of veterans.

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Kleid spoke regarding the upcoming Veterans Day holiday on Friday, November 11, 2016, thanked the veterans for their services, and encouraged others to do the same.

Council Member Moore expressed her gratitude to the Town Council, Town Staff, the residents, the wonderful Town of Palm Beach and acknowledged the community participation at the meeting.

Council Member Zeidman announced that Zika kits are available in Town Hall and other locations throughout the Town for pick-up, that Dr. Kristina Adams Waldorf from the University of Washington in Seattle will be in Town on January 17, 2017, for a panel discussion on the effects of Zika on pregnant women and babies, and reminded the residents to subscribe to the Town's hurricane and

emergency alerts.

VII. COMMUNICATIONS FROM CITIZENS

Rosemary Reder, American Flag Society, thanked Council President Pro Tem Kleid for his service in the United States Army, spoke regarding her experience in the Coast Guard, the American Flag Society's role in teaching flag etiquette and protocol, what the colors and the stars of the flag stand for, and presented the 1777 American Flag.

Jack McDonald, 44 Cocoanut Row, spoke regarding the need to address the high turnover rate for firefighters and the need to resolve the changes that were made to their pension plan.

John David Corey, 426 Australian Ave., spoke regarding safety concerns with the upcoming proposal to remove four pedestrian signals from the intersection of N. County Road and Sunrise Ave.

VIII. APPROVAL OF CONSENT AGENDA

The following change(s) was/were made to the Consent Agenda:

- Item No. VIII.C.4., Status Report of Delinquent Accounts, was pulled from the Consent Agenda and placed under Matters Pulled from Consent Agenda

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

A. MINUTES

1. MINUTES: SEPTEMBER 14, 2016
   Approval of the Minutes of the Local Planning Agency Meeting
   Susan A. Owens, MMC, Town Clerk

2. MINUTES: SEPTEMBER 14, 2016
   Approval of the Minutes of the Regular Town Council Meeting
   Susan A. Owens, MMC, Town Clerk

3. MINUTES: SEPTEMBER 21, 2016
   Approval of the Minutes of the Special Town Council Meeting
   Susan *A. Owens, MMC, Town Clerk*

4. MINUTES: OCTOBER 10, 2016
   Approval of the Minutes of the Regular Town Council Meeting
   Susan A. Owens, MMC

5. Approval of Major Matters Considered by the Architectural Commission at its Meeting of October 26, 2016.
John S. Page, Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 194-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-44 and Approving a Purchase Order in the Amount of $198,002 to Spector Manufacturing, Inc., for the Purchase of Two Aluminum Compaction Transfer Trailers and Establishing an Overall Budget of $202,000.
H. Paul Brazil, P.E., Director of Public Works

2. RESOLUTION NO. 195-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Right-Of-Way Maintenance Agreement Between the Town and Palm Beach Towers Condominium Association, Inc. to Install Certain Landscaping, Irrigation, Hardscaping and Lighting Improvements Within the Town Right Of-Way on the West Side of Cocoanut Row Adjacent to 44 Cocoanut Row, Palm Beach, Florida and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town.
Thomas G. Bradford, Town Manager

3. RESOLUTION NO. 196-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, authorizing a Twelve Month Extension of the Contract, With No Changes to Terms, in an Amount Not To Exceed $30,000, to EMS Management & Consultants, Inc. for Emergency Medical Services Third Party Billing Services and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Kirk W. Blouin, Director of Public Safety

4. RESOLUTION NO. 198-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Agreement for Mutual Assistance and Automatic Aid Between Palm Beach County and the Town of Palm Beach for Fire-Rescue Emergency Services.
Kirk W. Blouin, Director of Public Safety

5. RESOLUTION NO. 200-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Groundsmaster 3500-D Rotary Mower at a Cost of $30,640.94 From WescoTurf for use at the Par 3 Golf

Course, and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town.
Beth Zickar, Director of Recreation

6. RESOLUTION NO. 201-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 170390 to Christmas Designers, Inc., for the Purchase of Replacement Garland and Provide Additional Holiday Lighting, in the Amount of $14,650, and Increasing the Project Budget from $96,100 for a Revised Total Budget of $110,750.
H. Paul Brazil, P.E., Director of Public Work

7. RESOLUTION NO. 202-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order in the Amount of $81,041 to Kimley-Horn and Associates, Inc., for Professional Engineering Services Associated with Groundwater Monitoring at the Town's Vegetative Landfill Sites, and Establishing a Project Budget of $90,000.
H. *Paul Brazil, P.E., Director of Public Works*

8. RESOLUTION NO. 204-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Use of the State of Florida, Department of Management Services Contract #14-973-800-R (MyFloridaNet) for Internet Bandwidth Services in the Total Estimated Amount of $46,000, Based on Current State Contract Pricing; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.
Jay Boodheshwar, Deputy Town Manager

9. RESOLUTION NO. 205-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, authorizing an Increase of $23,520.00 to Purchase Order Number 170346 to CDW-G, for a New Total of $42,118.78 for the Purchase of Additional Cisco Hardware and Approving a Total Project Budget Not to Exceed $46,000.00.
Jay Boodheshwar, Deputy Town Manager

C. OTHER

1. Update of the Cherry Lane Drainage Improvements Project
H. *Paul Brazil, P.E., Director of Public Works*

2. Approval of the Selection Committee's Recommendation for RFP No. 2016-16 Golf Instruction Services for the Par 3 Golf Course to

the following golf professionals: Gene George, Tim McCoy, Bradford Costa, John Safford, Steve Madsen Pro, LLC and Kellie Stenzel Golf, Inc and authorizing permission to negotiate agreements on behalf of the Town.
Beth Zickar, Director of Recreation

3. Approval of the Selection Committee's Recommendation for RFP No. 2016-43 Golf Course Management Software System for the Par 3 Golf Course to GolfNow, LLC. and permission to negotiate agreement on behalf of the Town.
Beth Zickar, Director of Recreation

4. Authorization of Ordinance, Rules, and Standards Committee to Study Potential Amendments to the Regulation of Charitable Solicitations.
Susan A. Owens, MMC, Town Clerk

5. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts
Jane Struder, Director of Finance ***– Pulled from Consent Agenda***

IX. REGULAR AGENDA

A. Old Business

1. Unsolicited Interest in Purchasing Town-Owned Property at 5976 Okeechobee Blvd.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of CarMax's proposal to purchase the entire parcel of land at 5976 Okeechobee Blvd.

Discussion ensued regarding how to proceed with the previous direction to issue an RFP for the frontage of the property only while exploring CarMax's proposal, discussing potential business transactions in the Sunshine, the property's uses, the duration of the permit for landfill use, and pursuing parallel paths.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to direct Staff to hold in abeyance the RFP process for the 6 acres fronting 5976 Okeechobee Boulevard until further direction by Town Council. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to appropriate an amount not-to-exceed $4,000 for the appraisal of the entire 28.4-acre parcel from the General Fund Contingency. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to direct Staff to further explore the offer from Carmax to purchase the entire 28.4 acres of property at 5976 Okeechobee Boulevard. On roll call, the motion carried 3-2, with Council Members Lindsay and Moore dissenting.

2. Approval of Construction Methodology for Bradley Park Improvements.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the proposed construction method options for the Bradley Park Improvements and spoke regarding the conceptual approval of the design plans by the Landmarks Preservation Commission at their October 19, 2016 meeting.

Discussion ensued regarding the reasons the Landmarks Preservation Commission and Preservation Foundation did not approve the alternative locations for the fountain, the bathroom locations, the placement of the restored fountain and the size of its basin, the project schedule and the benefits and costs for using Construction Manager at Risk services.

Brain Vertesch, SMI Landscaping, spoke regarding the fountain's relocation, the historical significance of the fountain, the new size of the basin and the bathroom placement.

Pauline Pitt, Preservation Foundation Chair, spoke regarding the Preservation Foundation's study of the project plans and support of SMI Landscaping's design plan.

Sue Strickland, President of the Garden Club of Palm Beach, spoke regarding the Garden Club's decision to support SMI Landscaping's design plan.

Julie Araskog, 1490 Via Manana, expressed concerns that the proposed bathroom location may encourage public gatherings.

Anita Seltzer, 44 Cocoanut Row, expressed concerns that the components of the project plan were not discussed as a Development Review matter, that the plan has morphed into an improvement project and not a beautification project, that there were no discussions about the drainage and the seawall, spoke regarding ADA requirements and the Florida Department of Transportation (FDOT) standards, transparency with the expenditures, possible bond money obligations, tax payer responsibilities, and asked when a complete presentation for this project will be made.

Director of Public Works Brazil addressed Ms. Seltzer's concerns and spoke regarding the multiple public discussions and complete presentations that have taken place about the Lake Trail and Bradley Park project, that there are no unintended consequences to the seawall, the portions of the project that are covered by donation and what the taxpayers are responsible for, confirmed that the design plans are ADA and FDOT compliant, and the reasons for narrowing the Lake Trail.

John David Corey, 426 Australian Ave., spoke regarding his support of the Lake Trail improvements.

Council President Pucillo addressed Ms. Seltzer's concern and spoke regarding the Town Council's discussion to approve plans as owners of the property as opposed to discussing the project components as a Development Review matter.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve the submitted Bradley Park Improvement Plans showing a larger basin than originally contemplated and the relocation of the fountain and the basin south of the Tea House, subject to the condition that all of the necessary legal approvals from the Dioceses have been obtained. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to approve the Construction Manager at Risk Construction Methodology for oversight and implementation of the Bradley Park improvements. On roll call, the motion carried unanimously.

3. Consideration of Modifications to Pedestrian Signalization of the Sunset Avenue and North County Road Intersection.
   H. Paul Brazil, P.E., Director of Public Works ***- Deferred to the December 13, 2016, Town Council Meeting***

B. New Business

1. Appointment to the Code Enforcement Board
Kirk W. Blouin, Director of Public Safety

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to ratify the appointment of Daniel McDonald as an Alternate Code Enforcement Board Member. On roll call, the motion carried unanimously.

2. Request for Donor Recognition Plaque for Palm Tree Planting on North County Road by Palm Beach Civic Association and Palm Beach Walks
Thomas G. Bradford, Town Manager

Town Manager Bradford provided an overview of the proposed plans for a donor recognition plaque placement at the base of one of the new palm trees and requested the approval of the addition of a Green Island Ficus hedge to border the tree pits.

Discussion ensued regarding concerns with the cost of maintenance of the Green Island Ficus hedge and the plaque, white fly issues, the recognition plaque obstructing pedestrian traffic, placing the plaque flat on the tree pit vs. raising it two feet above ground, the height and location of the pedestal for the plaque, and placing the Green Island Ficus hedge around the larger tree wells right next to the Paramount Building and in front of any other property with the owner's consent.

Ned Barnes, Palm Beach Civic Association, spoke regarding his support with the placement of the donor recognition plaque and the placement of Green Island Ficus hedge border around the tree pits.

John David Corey, 426 Australian Ave., spoke regarding his support with the placement of a raised plaque and the concept of placing the Green Island Ficus hedge around the larger tree basins only.

Director of Public Works Brazil spoke regarding the maintenance involved for the Green Island Ficus hedge borders.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve the installation of the donor recognition plaque in the sidewalk, with the location to be

approved by Public Works. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve the installation of Green Island Ficus Hedge plants in the two larger tree pits near the Paramount Building, subject to the following conditions:

- **Palm Beach Civic Association shall pay all initial installation and all maintenance costs**
- **Palm Beach Civic Association shall remove said plants after one year**
- **Property owner consent shall be obtained prior to installation.**

On roll call, the motion carried unanimously.

3. Coastal Update:

a. Shore Line Protection Update

Coastal Program Manager Weber provided an update on the shoreline conditions.

Discussion ensued regarding the reasons for the shortage of sand in Reach 1 over the past two years versus the abundance of sand this year, the North to South sand movement patterns during this time of year, future sand placement and dune restoration projects for Reach 2, provided an update on the EIS report, and the need to place signage by the dunes in order to protect the new dune vegetation.

b. RESOLUTION NO. 203-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 14PB7, Amendment No. 4, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically Sea Turtle Nesting Monitoring Reimbursement, and authorizing the Town Council President to Execute Same on Behalf of the Town.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the Resolution.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve Resolution No. 203-2016. On roll call, the motion carried unanimously.

C. Matters Pulled from Consent Agenda:

1. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts
Jane Struder, Director of Finance

Director Struder provided a status report of the delinquent accounts and Town's efforts to collect.

Darrel Donatto, Deputy Fire Rescue Chief, spoke regarding the billing process and the reasons for the high amount of delinquent and uncollectible accounts.

Discussion ensued regarding the method for getting the higher fines paid, how to collect fines on homesteaded properties versus non-homesteaded properties, engaging with code enforcement on getting the properties that are in deplorable condition up to code, concerns about uncollected emergency medical bills, and concerns about the new collection agency not taking on the collections of old debt.

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, to approve the status report of delinquent accounts and the write-off of uncollectible accounts. On roll call, the motion carried unanimously.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 19-2016 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: At Section 18-201, Preliminary Sketch; Site Plan; Final Plan, Subsection (B), By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Major Projects And Minor Projects With Notice Applications Must Be Submitted At Least 35 Days In Advance Of The Architectural Commission Meeting, That Revisions To Certain Applications Must Be Submitted At Least 15 Days In Advance Of The Architectural Meeting, And Correcting Cross-Reference Section Numbers; At Subsection (C) By

Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Minor Projects With No Notice Must Be Submitted At Least 15 Days In Advance Of The Architectural Commission Meeting, And Correcting Cross-Reference Section Numbers; At Section 18-202, Notice; Photographs, Subsection (2) And (3), By Requiring That A Graphic Depiction Showing A Building And Landscaping Elevation Of Each Major Project And Minor Project With Notice Be Included In The Notice, Requiring That Notices Be Mailed To Nearby Property Owners At Least 30 Days In Advance Of The Architectural Commission Meeting, Requiring Applicants To Provide An Affidavit Verifying Compliance With Notice Provisions; And That Digitized Color Photographs Measure At Least 4" X 6"; And at Section 18-203, Referral of Plans to Commission, Requiring That the Architectural Commission Shall Act On Applications Within 40 Days of Filing Deadlines; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
John S. Page, Director of Planning, Zoning & Building

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance No. 19-2016, on second and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 20-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation; Article II, Beaches and Aquatic Activities; Division 2 Fishing, to Include a New Section 74-164 Titled Shark Fishing; Prohibiting Shark Fishing or Chumming Within Three Hundred Feet North and South of the Municipal Beach and Beach Access Points; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.
Jay Boodheshwar, Deputy Town Manager - ***Tabled indefinitely for additional ORS Committee Review***

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to table Ordinance No. 20-2016 indefinitely and defer it back to the ORS Committee for further review. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 22-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal

Year Commencing October 1, 2015, Providing an Effective Date.
Jane Struder, Director of Finance

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to adopt Ordinance No. 22-2016, on second and final reading. On roll call, the motion carried unanimously.

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XI. ANY OTHER MATTERS

Mayor Coniglio noted that the wrong day was listed on the November 9, 2016, LPA agenda.

Council Member Moore announced the time and date for the November 10, 2016, ORS Committee meeting.

XII. ADJOURNMENT

There being no further business, the November 8, 2016, regular Town Council meeting was adjourned at 12:03 p.m.

APPROVED:

_____
Michael J. Pucillo
Town Council President

ATTEST:

_____
Susan A. Owens, MPA, MMC
Town Clerk

_____
Date

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, DEMBER 13, 2016

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, December 13, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the agenda:

- **ITEM NO. XIII.A.2.D., RESOLUTION NO. 230-2016, WAS PULLED FROM THE AGENDA**
- **ITEM NO. XIII.B.13, AUTHORIZATION TO USE CM-AR SERVICES FOR UNDERGROUNDING PROJECT, WAS TABLED INDEFINITELY**
- **ITEM NOS. IX.A.1.B. AND C., APPROVAL OF THE NOVEMBER 8, 2016, AND NOVEMBER 9, 2016, TOWN COUNCIL MEETING MINUTES, WERE DEFERRED TO THE JANUARY 10, 2017, TOWN COUNCIL MEETING**
- **ITEM NO. IX.A.2.B., APPROVAL OF THE NOVEMBER 9, 2016, LOCAL PLANNING AGENCY MEETING MINUTES, WAS DEFERRED TO THE JANUARY 10, 2017, TOWN COUNCIL MEETING**
- **ITEM NO. IX.B.10'S, RESOLUTION NO. 214-2016, STAFF MEMORANDUM WAS CORRECTED TO READ: *"ALSO ATTACHED IS A MEMORANDUM FROM INVESTMENT ~~MANAGER~~ CONSULTANT…"***
- **ITEM NO. XIII.B.,2., APPOINTMENT TO THE PLANNING AND ZONING COMMISSION, WAS AMENDED TO REFLECT THAT JULIE ARASKOG HAS WITHDRAWN HER APPLICATION**
- **ITEM NO. XIV.A.1., ORDINANCE NO. 21-2016, WAS CORRECTED AT SECTION 1 (A), AND AMENDED COPIES WERE PROVIDED TO THE TOWN COUNCIL**

TIME CERTAIN:

- **ITEM NO. XIII.A.2., RECREATION CENTER UPDATE, WAS SCHEDULED FOR AN 11:00 A.M. TIME CERTAIN**

- **ITEM NO. XIII.B.6., GENERAL EMPLOYEE PENSION MODIFICATION, WAS SCHEDULED FOR A 2:00 P.M. TIME CERTAIN**

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

IV. RECOGNITIONS

A. Recognition of Michael J. Scharf, Planning and Zoning Commission from May 2014 through September 2016
John S. Page, Director of Planning, Zoning & Building

Mayor Coniglio recognized Mr. Scharf for his service.

B. Recognition of Fredrick "Tim" Campbell, Golf Course Superintendent, as 2016 Town of Palm Beach Employee of the Year.
Gail Coniglio, Mayor

Mayor Coniglio recognized Tim Campbell as the 2016 Town Employee of the Year.

V. PRESENTATIONS

A. Planning and Zoning Commission Presentations by Applicants
John S. Page, Director of Planning, Zoning & Building

The following applicants provided presentations to the Town Council:

Eric Christu
Kim Coleman

B. Shore Protection Board Presentations by Applicants
H*. Paul Brazil, P.E., Director of Public Works*

The following applicants provided presentations to the Town Council:

Melissa Ceriale
Gerald Frank
Lee Goldstein

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed her appreciation to the Town's Boards and Commissions, the citizens, employees, and the Palm Beach Civic and Citizens' Associations, announced the opening of two new lanes on the Flagler Memorial Bridge on December 19, 2016, and wished everyone a Happy and safe New Year.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Kleid spoke regarding his observance of the advisory commission meetings over the years and commented that some of the members are

leaving meetings prior to their conclusion, stated that members should commit to staying for the duration of the meeting as it states in their application and suggested that the Town Manager write a letter to all advisory commission members reminding them of that fact.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Nikki McDonald, President of the Lake Towers Condominium, spoke regarding the successful completion of the Lake Towers Underground Project.

Jack McDonald, 44 Cocoanut Row, thanked Council President Pucillo and Council Member Moore for their service and public safety pension reform efforts, spoke regarding the importance of the Fire and Police Departments, the need for leadership and urged the Town Council to resolve the Public Safety pension issue.

Council President Pucillo stated that that the Council cannot make any public comments on the Public Safety Pension matter at this time since the Town is in the collective bargaining process with the Fire Department.

Anita Gabler, 146 Sunset Ave., spoke regarding the improper installation of the traffic signal at Sunset Ave. and N. County Rd. and the importance of safety.

Jim Gabler, 146 Sunset Ave., reiterated Mrs. Gabler's previous comments and spoke regarding past traffic incidents he witnessed at that intersection.

Anita Seltzer, 44 Cocoanut Row, spoke regarding the damage to the Artemis Fountain in Bradley Park, Bradley Park project plans taking away greenspace, improper delegation of authority, violation of the Sunshine Act, the Town privatizing the project to avoid a referendum, the Town not remaining in compliance with the Diocese, Bradley heirs, and other legalities, and further commented that the Fountain is a landmark and expressed her concerns that the project plans have had little discussion and expertise involved.

Director of Public Works Brazil addressed Ms. Seltzer's above comments by providing some historic background to the Artemis Fountain Restoration and Bradley Park project plans, clarified the areas of Bradley Park that are landmarked, provided the current location of the damaged figure head of the fountain, and stated that Bradley Park project plans have been discussed publicly over the course of many years.

Town Attorney Randolph addressed Ms. Seltzer's above comments and spoke regarding the legalities of the process and the Town's due diligence with following the Charter, keeping the greenspace, avoiding issues with the Bradley Will and the heirs, and acquiring approvals from the Diocese.

Stephen Wegard, South Ocean Blvd., spoke regarding the reasons for the legal challenges to the Underground Project and stated that he would gladly present his information to the Underground Utilities Task Force at a future meeting.

Town Manager Bradford spoke regarding the data and statistics that were collected and used for the Underground Utilities project.

Lee David Goldstein, 3120 South Ocean Blvd., spoke regarding his research and work with Florida Power and Light on the benefits of Undergrounding in Coastal communities.

Howie Murray, 3475 S. Ocean Blvd., spoke regarding prospective plans to build an aquatics center in the Town of Palm Beach.

Discussion ensued regarding bringing the prospective aquatics center to the Recreation Advisory Commission, Town Staff, Public Works, and Recreation for consideration.

IX. APPROVAL OF CONSENT AGENDA

The following modifications were made to the Consent Agenda:

- **ITEM NO. IX.A.1.B. AND C., APPROVAL OF THE NOVEMBER 8, 2016, AND NOVEMBER 9, 2016, TOWN COUNCIL MEETING MINUTES, WERE DEFERRED TO THE JANUARY 10, 2017, TOWN COUNCIL MEETING**
- **ITEM NO. IX.A.2.B., APPROVAL OF THE NOVEMBER 9, 2016, LOCAL PLANNING AGENCY MEETING MINUTES, WAS DEFERRED TO THE JANUARY 10, 2017, TOWN COUNCIL MEETING**
- **ITEM NO. IX.B.10'S, RESOLUTION NO. 214-2016, STAFF MEMORANDUM WAS CORRECTED TO READ: *"ALSO ATTACHED IS A MEMORANDUM FROM INVESTMENT ~~MANAGER~~ CONSULTANT…"***

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

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES
   Susan A. Owens, MMC, Town Clerk

   a. Minutes of the October 13, 2016, Regular Meeting

   b. Minutes of the November 8, 2016, Regular Meeting – ***Deferred to the January 10, 2017, Town Council meeting***

   c. Minutes of the November 9, 2016, Regular Meeting – ***Deferred to the January 10, 2017, Town Council meeting***

2. LOCAL PLANNING AGENCY MEETING MINUTES
   Susan A. Owens, MMC, Town Clerk

   a. Minutes of the October 13, 2016, Meeting

   b. Minutes of the November 9, 2016, Meeting – **Deferred to the January 10, 2017, Town Council meeting**

3. Approval of Major Matters Considered by the Architectural Commission at its meeting of November 30, 2016.
John S. Page, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 199-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing Equipment Use and Election Services; Providing an Effective Date.
Susan A. Owens, MMC, Town Clerk

2. RESOLUTION NO. 206-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Amendment to Bid No. 2016-12 for Town-wide Street Light Replacement to Include the Bradley Place Street Light Replacement, and Increasing the Contract in the Amount of $275,000 for a Total Revised Construction Contract Amount of $2,595,605, and Increasing the Original Construction Phase Budget of $2,550,000 for this Project, for a Revised Construction Phase Budget of $2,825,000.
Paul Brazil, P.E., Director of Public Works

3. RESOLUTION NO. 207-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, authorizing an Increase to the Engineering Construction Phase Services for the Town-Wide Street Light Replacement Project to Accept and Include the Bradley Place Street Light Replacement, in the Amount of $34,000, and Increasing the Original Construction Phase Engineering Budget of $165,000 for this Project, for a Revised Total Budget of $199,000.
Paul Brazil, P.E., Director of Public Works

4. RESOLUTION NO. 208-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Two (2) Purchase Orders to Rechtien International Trucks, Inc., for the Purchase of Four (4) Vehicles: Three (3) International Durastar Cabs and Chassis with Aluminum Dump Bodies in the Total Amount of $255,399, and One (1) International Durastar Cab and Chassis with a Peterson RS3 Crane Body in the Amount of $179,287, for a Total Amount of $434,686, in Accordance with the Florida Sheriff's Association Contract 16-VEH14.0, Specification 12, and Establishing an Overall Budget of $440,000.
Paul Brazil, P.E., Director of Public Works

5. RESOLUTION NO. 209-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order to Palmetto Ford for the Purchase of One (1) Ford F-450 Cab and Chassis with Fleet Utility Body in the Amount of $53,510 on Florida Sheriff's Association Contract 16-VEH14.0,
(Specification 7) and Establishing an Overall Budget of $55,000.
Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 210-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Isuzu Truck of Ocala for the Purchase of Four (4) Isuzu Cab and Chassis with 6 Yard Packer Bodies in the Total Amount of $361,812 on Florida Sheriff's Association Contract 16-VEH14.0, Specification 6, and Establishing an Overall Budget of $375,000.
Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 211-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Contract Extension to Advanced Disposal Services Solid Waste Southeast, Inc., for Bid No. 2014-05 Compacted Garbage Collection, in the Annual Amount of $255,932.31 and Establishing a Budget of $260,000.
Paul Brazil, P.E., Director of Public Works

8. RESOLUTION NO. 212-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standard Applicable to Public Rights-of-Way and Easements, Amending Chapter XII, Miscellaneous Provisions; Yard Trash, Requirements Pertaining to Collections and Placement, and the Enforcement Thereof.
H. Paul Brazil, P.E., Director of Public Works

9. RESOLUTION NO. 213-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a One Year Renewal Agreement to Wells Fargo Bank, N.A., for RFP No. 2010-22, Banking and Merchant Card Services, and Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Contract.
Jane Struder, Director of Finance

10. RESOLUTION NO. 214-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting a Town of Palm Beach Retirement System Investment Policy Statement.
Thomas G. Bradford, Town Manager

11. RESOLUTION NO. 215-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Food and Beverage Services Agreement for the Town of Palm Beach Par 3 Golf Course Between the Town of Palm Beach and PB Ocean View, Inc., and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Beth Zickar, Director of Recreation

12. RESOLUTION NO. 216-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an Agreement With GolfNow, LLC, for the Provision of an Electronic Tee Sheet, Point of Sale Software, a Marketing Platform and Related Support Services for the Par 3 Golf Course, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Beth Zickar, Director of Recreation

13. RESOLUTION NO. 217-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving Golf Instruction Services Agreements for the Town of Palm Beach Par 3 Golf Course Between the Town of Palm Beach and Bradford Costa, Gene George, Kellie Stenzel, Tim McCoy, John Saffold, Steve Madsen, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Beth Zickar, Director of Recreation

14. RESOLUTION NO. 218-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of a Contract Between the Town and Florida Blue, to Provide Administrative Services for Group Health Coverage; in an Amount not to Exceed $350,000, and Authorizing the Town Manager to Take Actions Necessary to Effectuate This Contract.
Danielle Olson, Director of Human Resources

15. RESOLUTION NO. 219-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Contractual Service Specialists Agreement Between the Town of Palm Beach and Kenneth A. Scheppke, M.D., P.A., as Medical Director and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Kirk W. Blouin, Director of Public Safety

16. RESOLUTION NO. 220-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of the Zoll Autopulse System in the Amount of $65,687.20 from Zoll Medical Corporation Via NPP Government, RFP NO. 520.
Kirk W. Blouin, Director of Public Safety

17. RESOLUTION NO. 221-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 198.2016 and Authorizing The Mayor to Execute an Agreement for Mutual Assistance and Automatic Aid Between Palm Beach County and the Town of Palm Beach for Fire-Rescue Emergency Services.
Kirk W. Blouin, Director of Public Safety

18. RESOLUTION NO. 222-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Repealing Section 112, of The Town's Administrative Amendments To The Florida Building Code, Chapter 1, Which Establishes A Building Board of Adjustment And Appeals.
John S. Page, Director of Planning, Zoning, & Building

C. OTHER

1. Request to Consider Ordinance Nos. 24-2016 and 25-2016 Prior to 5:00 p.m. at a Public Hearing
John S. Page, Director of Planning, Zoning & Building

2. Workweek Modification for Firefighters Holding the Rank of Lieutenant
Thomas G. Bradford, Town Manager

3. Authorization of Ordinance, Rules and Standards Committee to Study Amending Section 42-199 of the Town Code of Ordinances, Relative to Construction Work
Jay Boodheshwar, Deputy Town Manager

4. Update of Bradley Park Improvements Approval
H. Paul Brazil, P.E., Director of Public Works

X. BOARD/COMMISSION ANNUAL REPORT

A. Shore Protection Board Annual Report
E. Llwyd Ecclestone, Jr., Chair

Chair Ecclestone provided an overview of the Report, thanked the Town Council, Staff and the other members of the Board and commented on the tremendous work of Robert Weber, Coastal Program Manager, H. Paul Brazil, P.E., Director of Public Works and Town Manager, Thomas G. Bradford.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to accept the Annual Report of the Shore Protection Board. On roll call, the motion carried unanimously.

XI. COMMITTEE REPORTS

A. Report of the Finance and Taxation Committee Meeting of November 3, 2016
Michael J. Pucillo, Chair

1. Chair Pucillo provided an overview of the Report and informed the Council of an additional informal report of the Finance and Taxation Committee meeting of December 1, 2016 that he prepared and would like to discuss under Item XIII.B.6., *Recommendation in Regard to Modification of General Employee Pension Benefits.*

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to accept the Report of the Finance and Taxation Committee meeting of November 3, 2016. On roll call, the motion carried unanimously.

B. Report of the Ordinances, Rules, & Standards Committee Meeting of November 10, 2016
Bobbie Lindsay, Chair
Chair Lindsay provided an overview of the Report.

Council Member Zeidman complimented the ORS Committee and encouraged citizens to attend the ORS meetings.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to accept the Report of the Ordinances, Rules, and Standards Committee meeting of November 10, 2016. On roll call, the motion carried unanimously.

XII. PUBLIC HEARINGS

A. RESOLUTION NO. 223-2016 A Resolution of the Town Council, of the Town of Palm Beach, Palm Beach County, Florida, electing to Use the Uniform Method of Collecting Non-Ad Valorem Special Assessments Levied Within the Incorporated Area of the Town; Stating a Need for Such Levy; Providing for the Mailing of this Resolution; and Providing for an Effective Date.
Jane Struder, Director of Finance

Director Struder provided an overview of the Resolution and the assessment process.

Marianne Beyl, 2840 S. Ocean Blvd., spoke regarding her objections to the Townwide Underground Utilities Project and in addition Town Council approving the use of Non-Ad Valorem Special Assessments to pay for the Townwide Undergrounding Project, the benefits of hardened poles, expressed her concerns that the property owners were not informed of the advantages and disadvantages of undergrounding, flooding issues, and stated the project is unsafe, unreliable and costly, burdens property owners, and does not benefit quality of life for the citizens.

Discussion ensued regarding Mrs. Beyl's attendance at the Underground Utilities Task Force meetings.

Council President Pucillo spoke regarding the intent of resolution and stated that the Town Council would not on vote on something that would reduce the reliability and safety of the Town.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to approve Resolution 223-2016. On roll call, the motion carried unanimously.

XIII. REGULAR AGENDA

A. Old Business

1. Consideration of Modifications to Street Scape at the Northeast Corner of South County Road and Chilean Avenue as Part of the Town Hall Square Project.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the concerns and request of the 369 S. County Road tenant to remove the Paradise Tree located in front of Scotti Wine and Liquor and the alternatives to consider.

Discussion ensued regarding the concerns of the tenant, the aesthetics of the tree, whether or not the tree blocks the sign in front of the store once it has matured and filled out, the design team's recommendation to not remove the tree, and not setting a precedent of moving trees.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to deny the tenant's request to remove the Paradise tree located at the Northeast Corner of South County Road and Chilean Avenue.

2. Update on Proposed Recreation Center and Improvements to Seaview Park
Beth Zickar, Director of Recreation
TIME CERTAIN: 11:00 A.M.

a. Report Regarding Outcome of ARCOM, Recreation Advisory Commission, and Public Input Meetings.

Director Zickar provided a project update and an overview of the community survey results for the improvement plans to the Recreation Center Facility and Seaview Park and asked for a deferral of the project plans discussion at the December 14, 2016, Town Council Meeting and December 20, 2016, ARCOM meeting.

Michael Ainslie, 202 Plantation Rd., Vice Chair of the Friends of Recreation, provided an overview of the Board and spoke regarding the support of the Town's recreation programs, the challenges with the current building, efforts towards its improvements, community feedback received, presented a new idea for accomplishing the goal of a new recreation center, and proposed the design of a new one-story building.

Deputy Town Manager Boodheshwar spoke regarding the viability of the one-story design concept from an administrative point of view, the estimated ball park estimate for the Town's share of the cost and the projected financial recovery.

Nelo Freijomel, Stephen Boruff AIA Architects and Planners, Inc., spoke regarding the financial and physical feasibility of renovating the current building, the footprint, and design elements of the one-story building design concept.

Discussion ensued regarding the proposed concept for a one-story addition and whether or not it addresses the concerns listed by the residents in the community survey, the data collected for the usage of the after-school and summer camp programs, prospective parking options and how each will impact greenspace, sensitivity to construction management and traffic impact, competing usage of the tennis center, soccer field and gymnasium by the residents and non-residents, prospective membership policies, and the importance of the recreation center, remaining cognizant of the feedback provided by the residents, safety measures for construction while the new plans are being developed and considered, the survey results, the cost of the survey and the data that was collected from the survey in addition to the public hearings, and whether there is a need for ARCOM to review variances until the new design is presented.

Susan Watts, 44 Cocoanut Row, spoke regarding the project being a good example of a public-private partnership, project going in right direction, uncertainty needing another community survey and concerns with the scale of the one-story addition.

Tom Miller, 270 Queens Lane, spoke regarding the Recreation Center and Town feeling crowded, never-ending construction, prioritizing roads and water system infrastructure, parking issues, heavy traffic, concerns that many of the kids who use the Recreation Center are not residents, heavy traffic and the length of construction time driving people away.

Michael Scharf, 225 Dunbar Rd., spoke regarding the need to look at multiple budget projections and revenue resources.

Susan Gary, 229 Onondaga Ave., spoke regarding construction impact and sending the Recreation Center project to the voters.

Anne Pepper, 333 Seaspray Ave., asked about the immediate need for this project and if the funds donated by the Mandel Foundation would be better spent elsewhere in the Town.

Page Lee Hufty, 340 Island Dr., spoke regarding the death of Oakley Debbs and the outpouring of community support, the need for a targeted survey, and concerns with the recreation center gym competing with local fitness providers, food service and financial stability.

Julie Araskog, 1490 Via Manana, spoke regarding uncertainty with the want and needs of the community, construction weariness, great co-op efforts, and the need for another community survey.

Anita Seltzer, 44 Cocoanut Row, spoke regarding the project proposal going in a good direction, questioned the quantitative amount that was reported in the recreation center usage data and if proposed variances by ARCOM are needed at this point in time.

b. Presentation of Updated Architectural and Site Plans

c. Consideration of the Recreation Commission's Recommendation regarding an Additional Community Survey

d. RESOLUTION NO. 230-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order in the Amount of $24,539, to Hedrick Brothers Construction, Inc., for Pre-Construction Phase Services for the Seaview Park and Palm Beach Community Center Improvements and Establishing a Preliminary Pre-Construction Phase Budget of $25,000.
Paul Brazil, P.E., Director of Public Works ***– Item was pulled from Agenda***

It was the consensus of the Town Council to defer any further action until the new improvement plans have been presented for consideration.

(Clerk's Note: Town Council adjourned the meeting at this time for lunch at 12:39 p.m. and reconvened at 2:01 p.m.)

3. Consideration of Modifications to Pedestrian Signalization of the Sunset Avenue and North County Road Intersection.
Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the request by Michael Scharf to consider a modification to the approved pedestrian signalization mechanisms for the Sunset Avenue and North County Road intersection, spoke regarding alternative options to consider, the reasons for the upgrade, ADA requirements, and the recommendations of the design consultant.

Michael Scharf, 225 Dunbar Rd., President of the Palm Beach Synagogue, spoke regarding his concerns with the aesthetics of the entry way, questioned the necessity of the originally approved lights, the time it takes to cross the intersection, the lack of pedestrian incidents at that intersection, how customers enter abutting businesses, traffic/pedestrian studies, stated that there are no other locations in Town with countdown timers located so close to a building, noted the traffic controls for other intersections in Town, and provided the Synagogue's recommended solution.

Bradford Gary, 229 Onondaga Ave., spoke regarding the intersection's traffic volume, safety issues, heavy commercial traffic, and the necessity for the countdown timers and safety poles.

Susan Watts, 44 Cocoanut Row, spoke regarding her support of the pedestrian signals.

Discussion ensued regarding safety and the need for 8" poles, the historical context of project, a past incident involving a pedestrian death at that intersection, safety issues with that intersection, and how to reach a compromise.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to deny the request to modify the pedestrian signalization of Sunset Avenue and North County Road Intersection and to proceed with the installation of the countdown timers per plan. On roll call, the motion carried 3-2 with Council Member Moore and Council President Pro Tem Kleid dissenting.

B. New Business

1. Appointment of Town Manager Thomas G. Bradford Pursuant to Section 4.02(b)of the Town Charter from December 14, 2016 through December 12, 2017
Thomas G. Bradford, Town Manager

Town Manager Bradford reported that he reviewed the Mayor and Town Council's input with regard to his job performance and asked the Town Council to consider a 2% salary raise.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve the appointment of Thomas G. Bradford as Town Manager pursuant to Section 4.02(b) of the Town Charter from December 14, 2016, through December 12, 2017 with a 2% salary raise. On roll call, the motion carried unanimously.

2. Appointment to the Planning and Zoning Commission
John S. Page, Planning, Zoning & Building

Motion was made by Council Moore, and seconded by Council President Pro Tem Kleid, to ratify the appointment of Eric Christu as an alternate member of the Planning and Zoning Commission. On roll call, the motion carried unanimously.

3. Appointments to the Shore Protection Board
Thomas G. Bradford, Town Manager

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to ratify the appointments of Gerald Frank and Lee David Goldstein as members of the Shore Protection Board. On roll call, the motion carried unanimously.

4. Update on Newly Approved One Cent Surtax (Sales Tax).
Thomas G. Bradford, Town Manager

Town Manager Bradford provided an overview of the newly approved One Cent Surtax.

Discussion ensued regarding uses for the surtax proceeds, whether a special fund will be created, the creation of an oversight committee to oversee how the sales tax funds will be spent, the role of the committee and how often they should meet, and appointing the Investment Advisory Committee as the oversight committee.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to approve the appointment of the Investment Advisory Committee as the required citizen's oversight committee for the expenditures of the surtax proceeds. On roll call, the motion carried unanimously.

5. RESOLUTION NO. 224-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Petitions Exempting the Church of Bethesda-by-the-Sea from the Residential Permit Parking Requirements within the Neighborhood and Directing the Town Manager or his Designee to Post Appropriate Regulatory Signage Reflecting Residential Permit Parking with Church Exemption.
Thomas G. Bradford, Town Manager

Town Manager Bradford provided an overview of Resolution No. 224-2016.

Council Member Zeidman commented on the compromise that was made by the neighbors and church to create a good neighbor feel and commended the individuals who worked hard to reach the agreement.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to approve Resolution No. 224-2016. On roll call, the motion carried unanimously.

6. Recommendation in Regard to Modification of General Employee Pension Benefits
TIME CERTAIN 2:00 P.M.
Michael J. Pucillo, Chair

Director Struder provided an overview of the various options under consideration for the general employee pension plan.

Chair Pucillo provided a historic overview of the previous general employee pension changes, recent Public Safety pension changes, the options under review and the reasons for considering these scenarios.

Discussion ensued regarding the employees' perception of the current retirement plan, burden on taxpayers for changing the plan, unfunded liabilities, payback period and savings to the Town for each scenario, the plan provisions under the Florida Retirement System, concerns with the current economic climate and a high risk environment, how the cost and savings were calculated, impacts to the unfunded liability and how to reduce that number, negative cash flow, the number of retirees versus the number of general employees, possible impact to the Town with reducing the retirement age, concerns with the legacy plan and employee morale, current retirement scenario for a Town of Palm Beach public sanitation worker, lowering the retirement age and increasing the multiplier, what the employees value and focus on, how to address provisions based on job demand and classifications, possibility of creating stratified benefits, other factors that need to be considered, and concerns with the savings calculations.

Director Olson spoke regarding salary competitiveness among the public sector, impact on retention and recruitment, public benefits versus private sector benefits, and stated that no other municipalities have provisions based on job classifications.

Pete Strong, Actuary of GRS, spoke regarding the impact to the Town for reducing the retirement age.

Bret Madison, General Employee Representative and Retirement Board Trustee, acknowledged the financial pressure with regard to the unfunded liability and provided employee feedback on the new options based on recent meetings held with the Staff.

Chair Pucillo requested that the Town Council provide any additional scenarios they wish to consider to the Staff, explore stratifying retirement provisions and lowering the retirement age and any other analysis for further discussion at the January 10, 2017, Town Council Meeting.

It was the consensus of the Town Council to defer this matter to the January 10, 2017, Town Council Meeting for further discussion.

7. Consideration of Proposed Method to Address Right-of-Way Ownership Issues Along North Ocean Boulevard Between Sunrise Avenue and Wells Road.
Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the right-of-way issues along North Ocean Boulevard between Sunrise Avenue and Wells Road.

Discussion ensued regarding the options for addressing the issues and the impacted on residents.

It was the consensus of the Town Council to approve the memorialization of what is actually being used as right-of-way and what is being used as private property, and moving forward with the necessary paperwork to accept said property and vacate said existing rights-of- way.

It was the consensus of the Town Council to direct Staff to research how the rights-of-way for the other northern properties were determined, and to provide a recommendation on how to proceed with respect to the northern properties' rights-of-way.

8. Adoption of the 2017 Town Council Meeting Schedule
Thomas G. Bradford, Town Manager

Town Manager Bradford provided an overview of the proposed 2017 Town Council Meeting schedule and suggested that the April 11, 2017 meeting be moved to April 13, 2017 due to the Passover holiday. Mr. Bradford also suggested that the Town Council devote the July 11, 2017 meeting for budget matters only and to merge the regular business matters and development review matters to one meeting on July 12, 2017.

Discussion ensued regarding the timing of the requested budget workshop in the Spring in order to discuss the audited numbers and the possibility of combining the August Regular and Development Review meetings.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to adopt the 2017 Town Council Meeting schedule with the following amendments:

- Reschedule the April 11, 2017, meeting to April 13, 2017
- Schedule the July 11, 2017, meeting as a sole purpose Special Meeting for Budget-Related Matters, with Development Review

Matters and any remaining municipal business matters requiring action being heard on July 12, 2017

On roll call, the motion carried unanimously.

9. Approval of the Scheduling of the 2017 Town Caucus for January 3, 2017, at 7:00 p.m., and the Scheduling of a Special Town Council Meeting to Declare the Results of the Caucus for January, 6, 2017, at 9:30 a.m.
Susan A. Owens, MMC, Town Clerk

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to approve the scheduling of the 2017 Town Caucus for January 3, 2017 at 7:00 p.m. and the scheduling of a Special Town Council Meeting to declare the results of the Caucus for January 6, 2017 at 9:30 a.m. On roll call, the motion carried unanimously.

10. Waiver to Town Code 42-196 Through 199 and 42-226 Through 229 for Extended Construction Hours and Work During Season by the Winthrop House for Use of Cranes on Hammond Avenue.
Paul Brazil, P.E., Director of Public Works

Town Engineer Patricia Strayer provided an overview of the request for extended construction hours.

Tom Grudovich, Vice President of the Winthrop Condominim Association, spoke regarding the structural issues that have put the project behind schedule.

Discussion ensued regarding the appropriate timing of the project, work schedule, impacts to the residents and neighboring hotel, properly notifying the residents and the use of the crane.

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve a 15-day waiver, within a window of January 17, 2017, through February 15, 2017, subject to the condition that there are no conflicts with events at the Colony Hotel. On roll call, the motion passed unanimously.

11. Landmarks Preservation Commission - Unexcused Absences
John S. Page, Director of Planning, Zoning & Building

Director Page provided an overview of the extenuating circumstances with regard to the meeting absences.

It was the consensus of the Town Council to defer this matter to the December 14, 2016, Town Council Meeting to allow staff to provide Council with Tim Gannon's and Nikita Zukov's attendance records.

12. Coastal Update
Paul Brazil, P.E., Director of Public Works

a. Shore Line Protection Update

Coastal Program Manager Weber provided an update on the shoreline conditions.

b. Waivers to Town Code for Construction Dates, Hours, and Noise for Reach 4 Dune Restoration.

Director Brazil provided an overview of the request.

Discussion ensued regarding the sand delivery, sand volume and where the sand is coming from.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to approve waivers to Sections 42-198, 42-199, and 42-226 through 229 for 3550 Palm Beach Holdings, LLC, and their construction manager, Craft Construction Company and issue a right-of-way agreement when appropriate. On roll call, the motion passed unanimously.

c. RESOLUTION NO. 225-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-28 and Approving a Construction Contract to Coston Marine Services, Inc. for the Construction of the Lake Worth Lagoon Waterway Access Maintenance Dredging, in the Amount of $1,063,500, and Establishing a Construction Phase Budget of $1,200,000, Contingent Upon the Necessary Permit Modification and Upon Receipt of Donations to Fully Fund this Project

Director Brazil provided an overview of Resolution No. 225-2016.

John Scarpa, provided a historic overview of the three-year project, spoke regarding security and access benefits, the Audubon Society's support of the Project, and the ecological opportunities to enhance the waterways.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Resolution No. 225-2016, subject to the modification of the dredge hole location in the state permit. On roll call, the motion carried unanimously.

Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to reaffirm the acceptance of the Palm Beach Intracoastal neighbors' donation to complete the project. On roll call, the motion carried unanimously.

d. RESOLUTION NO. 226-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 16PB4, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program for the Beach Management Agreement, Specifically Physical Monitoring Reimbursement, in the amount of $124,777.50, and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Director Brazil provided an overview of the Resolution.

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Resolution No. 226-2016. On roll call, the motion carried unanimously.

e. RESOLUTION NO. 227-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $100,000 to Woods Hole Group, for a Coastal Vulnerability Assessment, and Establishing a Task Budget of $110,000.

Director Brazil provided an overview of the Resolution.

Discussion ensued regarding the scope of work and the need to address the vulnerability issues near the Lake Worth Lagoon.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Resolution No. 227-2016. On roll call, the motion carried unanimously.

13. Authorization to Use Construction Management at Risk Services for the Town-wide Undergrounding Program.
H. Paul Brazil, P.E., Director of Public Works – ***Item was pulled from Agenda***

C. Matters Pulled from Consent Agenda: If needed

XIV. ORDINANCES

A. First Reading

1. ORDINANCE NO. 21-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environment; Article V, Noise; Section 42-230, Lawn Maintenance Equipment Noise, so as to Define the Hours of Operation of Lawn Maintenance Equipment; Prohibiting Commencement of Large Scale Landscape Installation on Saturdays; Regulating Sound Level Measurement of Said Equipment; Regulating Use of Leaf Blowers; Providing for Severability;

Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided a summary of the Ordinance.

Chair Lindsay spoke regarding the amount of research that went into the proposed Ordinance and clarified the reasons for the consideration of regulating noisy landscape equipment usage.

Discussion ensued regarding consistency with usage schedule on a year round basis, hours being proposed, giving year round residents the same protection as seasonal residents, whether the proposed Ordinance is consistent with construction noise regulations, referring the Ordinance back to ORS, and adopted regulations that apply to residents as well as contractors.

Kurt Carlson, Armstrong Landscaping Group, stated that most other lawn equipment is over 100 decibels, spoke regarding noise prohibition applying to landscaping equipment outside of leaf blowers, impact of restricted hours, and discrimination against the industry.

Mike Serena, Stihl Southeast, spoke regarding other lawn equipment not being able to meet the lower than 65 level decibel limit regulation.

Scott Lewis, spoke regarding addressing noise complaints, his research that only 15% of companies pay fines, recommended that Code Enforcement stop giving warnings to violators and that the Police Department respond from non-emergency line to help stop violations, and stated that the industry knows what's illegal better than Staff and should enforce this regulation consistently.

Yvonne, Landscaper, spoke regarding a violation she witnessed and expressed her view that the Ordinance is discriminating.

Council president Pucillo directed Town Manager Bradford to address any enforcement issues related to landscape equipment noise.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to refer Ordinance No. 21-2016 back to the ORS Committee for further review. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 26-2016 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 V, Sidewalks; Section 106-156,
Regarding Duty to Maintain Sidewalks and Gutters Free of Debris, Encumbrances and Obstructions; Providing a Definition of Debris, Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph provided an overview of the Ordinance.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Ordinance No. 26-2016, on first reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 27-2016 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, Article I, In General, Section 66-2, Definitions so as to Add, Amend or Delete Various Terms Related to Landscape and Irrigation Requirements; Amending Article IV, Vegetation, Relating to Conditions for Landscape Design, Installation and Removal; Moving General Requirements for Landscape Design to a New Section 285; Modifying Section 66-286 Establishing Minimum Requirements for Shade Trees, Required Landscaping for Interior Parking Lots, Minimum Landscape Installation Requirements, Modifying Irrigation Standards and Requirements for Irrigation and Irrigation Systems, Providing for Requirements Related to the Submission of Plans, and Landscape Installation and Removal Permits; Adding Section 66-287 Requiring That All Required Landscaping be Approved by the Planning, Zoning and Building Department Prior to the Issuance of Certificates of Occupancy or Completion; Adding a New Section 66-288 Requiring Protection of Trees During Construction; Adding a New Section 66-289 Requiring Vegetation Maintenance; Adding a New Section 66-290 Providing Standards Related to Tree Trimming; Adding a New Section 66-291 Prohibiting Certain Practices Related to Tree Trimming; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
John S. Page, Director of Planning, Zoning & Building

Town Attorney Randolph provided an overview of the Ordinance.

Assistant Director Close informed the Council that in Section c., page 11, there is a line that goes nowhere that needs to be deleted.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Ordinance No. 27-2016, on first reading, subject to deletion of the line that goes nowhere on page 11, section c.5. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 28-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Section 18-241 of The Town Code of Ordinances Relating to Building Board of Adjustment and Appeals in Its Entirety; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
John S. Page, Director of Planning, Zoning & Building

Town Attorney Randolph provided an overview of the Ordinance.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve Ordinance No. 28-2016, on first reading. On roll call, the motion carried unanimously.

XV. ANY OTHER MATTERS - *None*

XVI. ADJOURNMENT

There being no further business, the December 13, 2016 regular Town Council meeting was adjourned at 5:59 p.m.

APPROVED:

_____
Michael J. Pucillo
Town Council President

ATTEST:

_____
Susan A. Owens, MPA, MMC
Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, JANUARY 6, 2017

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 9:30 a.m. on Friday, January 6, 2017, in the Town Council Chambers. On roll call, all of the elected officials were found to be present with the exception of Council President Pro Tem Kleid. A quorum was present.

II. PLEDGE OF ALLEGIANCE

Council President Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve the Agenda. On roll call, the motion carried unanimously.

IV. COMMUNICATIONS FROM CITIZENS – *None*

V. RESOLUTION NO. 7-2017 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 Seventh Day of February 2017; 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, 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.

Town Attorney Randolph read the Resolution into the record.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Resolution No. 7-2017. On roll call, the motion carried unanimously.

VI. MAYOR'S PROCLAMATION TO THE QUALIFIED ELECTORS OF THE TOWN OF PALM BEACH REGARDING THE TOWN ELECTION TO BE HELD ON FEBRUARY 7, 2017.

Town Attorney Randolph announced the results of the Caucus and read the Group Two candidates' names into the record.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve the Mayor's Proclamation. On roll call, the motion carried unanimously.

VII. ANY OTHER MATTERS – None

VIII. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Friday, January 6, 2017, was adjourned at 9:40 a.m.

APPROVED:

_____
Michael J. Pucillo
Town Council President

ATTEST:

_____
Susan A. Owens, MPA, MMC
Town Clerk

_____
Date

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, JANUARY 10, 2017

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, January 10, 2017, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF AGENDA

The following changes were made to the agenda:

- **ITEM NO. VII.B.2., RESOLUTION NO. 03-2017, A CORRECTION WAS MADE TO THE TITLE OF THE RESOLUTION SO THAT IT READS: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ~~SUPPORTING~~ STRONGLY ENCOURAGING THE STATE LEGISLATURE ~~TO'S EFFORTS TO AMEND SECTION 403.7033, UNDER HOUSE BILL 93 AND COMPANION SENATE BILL 162, WHICH AMENDMENTS WOULD PROVIDE FOR LOCAL REGULATION AND ENFORCEMENT OF PLASTIC BAGS UNDER THE STATE'S PROPOSED GUIDELINES; ALTERNATIVELY, SHOULD THE STATUTE NOT BE AMENDED, THE TOWN COUNCIL REQUESTS THE~~ REPEAL ~~OF~~ SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.**

PULLED FROM CONSENT:

- **ITEM NO. VII.B.2., RESOLUTION NO. 03-2017, WAS PULLED FROM THE CONSENT AGENDA AND HEARD AFTER ITEM IX.C.**

- **ITEM NO. VII.C.5., WAS PULLED FROM THE CONSENT AGENDA AND HEARD AFTER THE APPROVAL OF ITEM NO. VII. B.2., RESOLUTION NO. 03-2017.**

TIME CERTAIN:

- **ITEM NO. XII.A.1., RECREATION CENTER UPDATE, WAS SCHEDULED FOR A 10:30 A.M. TIME CERTAIN**

- **ITEM NO. XII.A.2., DISCUSSION OF POTENTIAL GENERAL EMPLOYEE PENSION CHANGES, WAS SCHEDULED FOR A 1:00 P.M. TIME CERTAIN**

- **ITEM NO. XII.B.2., RESOLUTION NO. 02-2017, WAS SCHEDULED FOR A 2:00 P.M., TIME CERTAIN**

WITHDRAWALS:

- **ITEM NO. X.B.6., APPEAL OF RIGHT OF WAY PERMIT DENIAL FOR WELLS FARGO BANK LOCATED AT 255 S. COUNTY ROAD, WAS WITHDRAWN FROM THE AGENDA**

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

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding the partial opening of the Flagler Memorial Bridge on December 18, 2016, concerns with the traffic circulation and signalization issues, encouraged the residents to subscribe to the Town's Traffic Alerts, and thanked Council President Pucillo for his six years of dedicated service to the Town.

Geoffrey Parker, P.E., New Millennium Engineering, provided a status update on the Flagler Bridge Replacement project and spoke regarding current improvements and future progress to be made, the new configuration and traffic patterns, the outcome of the meeting with Palm Beach County, Florida Department of Transportation, City of West of Palm Beach and the Town of Palm Beach on the monitoring of the traffic signals, and thanked the Public Safety and Public Works staff for their efforts in managing the traffic.

Discussion ensued regarding concerns with the new configuration, current traffic behavior, timing and monitoring of the traffic signals, and the future scheduled bridge openings during season.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Kleid spoke regarding the luncheon that took place for the Flagler Memorial Bridge Project workers sponsored by the Palm Beach Synagogue and Publix Supermarket and thanked Council President Pucillo for his service to the Town.

Town Manager Bradford spoke regarding the Town of Palm Beach Honor Guard's invitation to participate in the presidential inauguration parade on January 20, 2017 and the donation from the Palm Beach County Police Benevolent Association to cover the expenses.

Council Member Moore spoke regarding complaints she has received about residents not picking up after their pets and thanked the community for their support in her re-appointment to the Town Council.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to reaffirm the acceptance of the Palm Beach County Police Benevolent Association's donation to cover the expenses for the Town of Palm Beach Honor Guard's participation in the presidential inauguration ceremony on January 20, 2017. On roll call, the motion carried unanimously.

VI. COMMUNICATIONS FROM CITIZENS

A group of students from the Benjamin School spoke regarding the harmful effects of plastic bags to sea turtles and asked the Town of Palm Beach to support the ban on single-use plastic bags.

John David Corey, 426 Australian Ave., spoke regarding the North County Road tree initiative, the installation of the Christmas Palms along Royal Poinciana Way and N. County Road, thanked the Town Council for the acceptance of the seed money to Plant the trees, thanked the Public Works staff for their job on the tabby sidewalks and for placing bike posts around Town Hall, and his support of the Chapter 66 amendments.

Michael Scharf, 225 Dunbar Rd., spoke regarding the Town's budgeting process and zero based budgeting, expressed his concerns with the estimated costs for the Underground Utilities and Recreation Center projects, the timing of the Testa's construction and Bradley Park construction, and thanked Mr. Pucillo for his service to the Town.

Discussion ensued regarding the construction management agreements for both of the Bradley Park and Testa's construction projects.

Gray Foster, Palm Beach Day Academy, thanked the Town Council for their support of the ban on single use plastic bags and balloons.

VII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

The following changes were made to the Consent Agenda:

PULLED FROM CONSENT:

- **ITEM NO. VII.B.2., RESOLUTION NO. 03-2017, WAS PULLED FROM THE CONSENT AGENDA AND HEARD AFTER ITEM IX.C.**

- **ITEM NO. VII.C.5., WAS PULLED FROM THE CONSENT AGENDA AND HEARD AFTER THE APPROVAL OF ITEM NO. VII. B.2., RESOLUTION NO. 03-2017.**

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

A. MINUTES

B. RESOLUTIONS

1. RESOLUTION NO. 01-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Duval Ford for the Purchase of Two (2) 2017 Ford Escape Vehicles and Associated Equipment in the Total Amount of $57,982.00 in Accordance With the Florida Sheriffs Association Contract No. FSA16-Vel24.0, and Establishing a Total Budget of 57,982.00 in the 2017 Equipment Replacement Program.
Kirk W. Blouin, Director of Public Safety

2. RESOLUTION NO. 03-2017 A Resolution of the Mayor and Town Council of the Town of Palm Beach, Palm Beach County, Florida, ~~Supporting~~, Strongly Encouraging the State Legislature~~'s Efforts to Amend Section 403.7033, Under House Bill 93 and Companion Senate Bill 162, Which Amendments Would Provide for Local Regulation and Enforcement of Plastic Bags Under the State's Proposed Guidelines; Alternatively, Should the Statute not be Amended, the Town Council Requests the~~ Repeal ~~of~~ Section 403.7033, Florida Statutes, so that Local Governments are no Longer Preempted from Enacting Appropriate Legislation Relating to the Regulation of Plastic Bags.
Jay Boodheshwar, Deputy Town Manager – ***Pulled from Consent Agenda to be heard as Item IX.C.1.***

3. RESOLUTION NO. 04-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Five Year Purchase Contract to Taser International for 70 Taser 60 Models with Accessories and Equipment Per Quotation No. Q-89649-1; and Authorizing and Approving a Purchase Order in the Amount of $21,832.62 Representing the First Year of Payment to Include Shipping and Handling; and Authorizing and Approving Four Subsequent Payments to Taser International in the Amount of $26,040.00 each for a Grand Total of $125, 992.62; and Approving an Overall Budget of $130,000; Subject to Appropriation of Funds in Fiscal Years 2018 - 2021.
Kirk W. Blouin, Director of Public Safety

C. OTHER

1. Approval of Selection Committee Recommendation for RFP No. 2016- 48, Investment Consultant for the OPEB Trust.
Jane Struder, Director of Finance

2. Request to Consider Ordinance Nos. 1-2017, 2-2017 and 3-2017 Prior to 5:00 p.m. at a Public Hearing
John S. Page, Director of Planning, Zoning & Building

3. Request to Authorize the Ordinances, Rules, and Standards Committee to Consider Potential Amendments to the Town Code of Ordinances at Chapter 106, Article VII, Special Events on Public Property, and Section 10-10, Temporary (Animal) Permits.
Susan A. Owens, MMC, Town Clerk

4. Authorization of Ordinance, Rules and Standards Committee to Study Amending Section 38-35 of the Town Code of Ordinances, Relative to Service Charge for False Alarms
Kirk Blouin, Director of Public Safety

5. Request to Waive Sections 14-31, 14-33, and 14-34 of the Town Code to Permit the Take-off and Landing of Helicopters for the President Elect's Upcoming Term.
Thomas G. Bradford, Town Manager – **Pulled from Consent Agenda**

(*Clerk's Note: Please see Item X.C.2.)*

VIII. BOARD/COMMISSION ANNUAL REPORT

A. Recreation Advisory Commission Annual Presentation
Pamela McIver, Recreation Advisory Commission Chair

Chair McIver provided an overview of the Annual Report.

Council Member Moore thanked Stephen Hall and the Recreation Advisory Commission members for their commitment to the success of the Par 3.

It was the consensus of the Town Council to accept the Annual Report.

IX. COMMITTEE REPORTS

A. Report of the Finance and Taxation Committee Meeting of December 1, 2016
Michael J. Pucillo, Chair

Chair Michael Pucillo spoke regarding the Report, and that he had summarized the meeting in a written report that had been discussed at the last meeting, and unless there was a desire for further discussion, the report could be considered for acceptance.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to accept the Finance and Taxation Committee Report of December 1, 2016. On roll call, the motion carried unanimously.

B. Report of the Public Safety Committee Meeting of December 6, 2016
Margaret Zeidman, Chair

Chair Margaret Zeidman provided an overview of the Report.

Motion was made by Council Member Kleid, and seconded by Council Member Lindsay, to accept the Public Safety Committee Report of December 6, 2016. On roll call, the motion carried unanimously.

C. Report of the Ordinances, Rules, & Standards Committee Meeting of December 8, 2016
Bobbie Lindsay, Chair

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Resolution No. 03-2017 as amended, and accept the Ordinances, Rules, & Standards Committee Report of December 8, 2016. On roll call, the motion carried unanimously.
Clerk's Note: Please see Item X.C.1.

X. REGULAR AGENDA

A. Old Business

1. Recreation Center Update
Beth Zickar, Director of Recreation
TIME CERTAIN: 10:30 a.m.

a. Update on Proposed Recreation Center and Improvements to Seaview Park

Director Zickar provided a status report and overview of the updated project plan, the costs for renovation versus construction, business plan and financial scenarios for the operation of the building.

Nelo Freijomel, Stephen Boruff AIA Architects and Planners, Inc., presented the business plan and architectural site plan details for a one-story building addition for the Recreation Center which was based on community feedback and input from ARCOM, Town

Council and Recreation Advisory Commission.

Discussion ensued regarding the determination of the playground specs, the costs for renovation exceeding 50% of the value of the building, determining the structural stability and viability, the current value of the building, the corporate passes and fitness fees as defined in the report for the financial scenarios, the multiple uses for the indoor gymnasium, and keeping the greenspace and existing parking configuration.

Anne Pepper, 333 Seaspray Ave., asked how the renovation needs for the building were determined and requested justification for the proposed size for the indoor gymnasium.

Rebecca Williams, 232 Seabreeze Ave., spoke regarding her support of an updated facility.

Verrick Foster, 162 Dolphin Rd., spoke regarding his support of the updated plans for the Recreation facility.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to conceptually approve the updated plans for a one-story addition on the condition that this matter be referred back to the Recreation Advisory Commission's February meeting in order to analyze and recommend a business plan and verify the numbers, and that this matter also be referred to the ARCOM meeting scheduled for February 22, 2017 for a complete review of the architectural plans and the materials to be used. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to keep the existing parking configuration. On roll call, the motion carried unanimously.

b. Revised Architectural Plans, Timeline and Costs

c. Survey

Director Zickar spoke regarding the costs for an additional community survey.

Discussion ensued regarding the last community survey and the multiple uses for the indoor gymnasium.

Motion was made by Council Member Zeidman, and seconded by Council President Pro Tem Kleid, not to provide another community survey. On roll call, the motion carried 4-1 with Council Member Lindsay dissenting.

d. Ratification of Selection Committee recommendations for

Construction Manager At-Risk (CMAR) Services for Seaview Park and Palm Beach Community Center Improvements - RFQ No. 2016-45.
H. Paul Brazil, P.E., Director of Public Works

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to ratify the selection committee's recommendation for Construction Manager At-Risk services for Seaview Park and the Palm Beach Community Center improvements RFQ 2016-45. On roll call, the motion carried unanimously.

2. Discussion of Potential General Employee Pension Changes
TIME CERTAIN: 11:30 a.m.
Jane Struder, Director of Finance

Director of Human Resources Olson presented the additional information and scenarios for the proposed General Employee Pension modifications that was requested at the last Town Council meeting.

Council President Pucillo spoke regarding the advantages and disadvantages for each of the scenarios that were presented in the proposed General Employee Pension Plan.

Discussion ensued regarding the various proposed retirement benefit options with an emphasis on unfunded liability and impact to the Town, employee fairness and morale, the payback rate to the Town, employer matches in the private sector versus the public sector, the meaning of the word optional as a matching contribution, financial obligations and tax payer responsibility for the legacy plan, the rise of property values in the Town, concerns with the Town having a fixed tax payer population, raising the salaries, keeping the current pension plan, cost to raise employ salaries by 5%, and being competitive with the Florida Retirement System.

Ned Barnes, Palm Beach Civic Association, spoke regarding not making a decision today and slowing down on this issue.

Brett Madison, General employee of the Town, spoke regarding the modified plans, lowering the retirement age to 62, the Town payback, and Option #8 being the best choice for the Town and the employees.

Motion was made by Council Member Pucillo, and seconded by Council Member Moore, to approve the adoption of the new option #3 which provides for a retirement age of 62, a multiplier of 1.7%, an employee contribution to the defined benefit plan of 3.5%, an employee defined DC plan contribution of 3%, a Town contribution of 3% to the defined contribution plan and provides for an optional employee DC contribution up to a maximum of 2% with a dollar for dollar match by the Town on the condition that the savings are put back in the town's budget each year to reduce the payback period to 4 years or less. On roll call, the motion

carried 4-1 with Council Member Lindsay dissenting.

3. Status Report Regarding Potential Sale of 5976 Okeechobee Blvd
Jay *Boodheshwar, Deputy Town Manager*

Deputy Town Manager Boodheshwar provided an overview and progress report of the potential sale of Town-owned property at 5976 Okeechobee Blvd.

Discussion ensued regarding any usefulness of the property for the Town of Palm Beach, the opportunity to consider purchase offers, the necessity for staff and legal counsel, and not the Town's public officials, to serve as the contact parties at the present time for discussions related to the sale of the property, and consideration of an RFP for the property at some point in the future.

It was the consensus of the Town Council to direct staff to report with a further update at the February 14, 2017 Town Council meeting.

4. Consideration of Scheduling an Attorney/Client Session Regarding The Coalition of Immokalee Workers, Inc., vs Town of Palm Beach, Case No. 16-CV-80284-Rosenberg/Brannon, Pending in the United States District Court, Southern District of Florida. Discussion of this Matter to Begin Immediately Following this Regular Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio, Town Council Members Richard M. Kleid, Bobbie Lindsay, Danielle H. Moore, Michael J. Pucillo, Margaret A. Zeidman; Town Manager Thomas G. Bradford, Attorney John C. Randolph, Margaret L. Cooper, Esq., and Court Reporter from Pleasanton and Marsaa Court Reporting.
John C. Randolph, Town Attorney

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve the scheduling of a Closed-Door Session immediately following this meeting. On roll call, the motion carried unanimously.

B. New Business

1. Town Docks Update
Thomas G. Bradford, Town Manager

Town Manager Bradford provided an update on planning properly for the replacement of the current Town Docks.

Discussion ensued regarding the revenue generated by the Town

Docks, the timeline for construction, and the estimated remaining life of the current docks.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve proceeding with an RFP for the master planning process for the replacement of the Town Docks. On roll call, the motion carried unanimously.

2. RESOLUTION NO. 02-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Urging the Governor of the State of Florida, the South Florida Water Management District and the United States Fish and Wildlife Service to Work Cooperatively to Manage Exotics and Maintain The Arthur R. Marshall Loxahatchee National Wildlife Refuge.
TIME CERTAIN: 1:00 p.m.
Thomas G. Bradford, Town Manager

Dragana Connaughton, 267 Merrain Rd., Board of Directors for the National Wildlife Refuge, spoke regarding the South Florida Water Management District (SFWMD) initiating a process to revoke their license agreement with the United States Fish and Wildlife Service (USFWS) on the grounds that the USFWS's failed to meet the schedule for controlling the infestation of Lygodium.

Nathaniel Reed, #4 Riverview Rd., Jupiter Island, FL, spoke regarding his experience with preserving Florida land, water and wildlife, and his support of Resolution No. 02-2017.

David Houghton, 2620 66th St., Naples, FL., President of the National Wildlife Refuge Association, spoke regarding his support of Resolution No. 02-2017, the National Wildlife Refuge system, why Loxahatchee National Wildlife is important to the citizens and the proposed solutions going forward.

Lisa Interlandi, Everglades Law Center, spoke regarding the importance of the issue and the need for protection. The difference between the SFWMD goals vs. the National Wildlife Refuges. fed and state partnership, water quality and protection for the refuge system.

Eleanor Williams, Delray Beach, President of the Friends of Arthur R. Marshall National Wildlife Refuge, spoke regarding their efforts to help and fund the Refuge.

Teacher Michelle DePalma, 6785 N. Grande Dr. Boca Raton, and students from Village Academy spoke in support of the refuge and how important it is to the school and the students.

Martha Musgrove, 2432 Edgewater Dr., Florida Wildlife and National

Wildlife Federation, spoke regarding her support of the conservation and management of endangered species as well as the current management and treatment of invasive species and the harmful effects of the Lygodium vines.

Sue Strickland, 145 Seaspray Ave., President of the Palm Beach Garden Club, read a motion passed unanimously by the Garden Club, regarding the Loxahatchee National Wildlife Refuge and renewal of the lease with the United States Fish and Wildlife Service, and spoke in support of passing the Resolution 02-2017.

Scott Zucker, Wellington, Florida, Vice President and Conservation Chair of Audobon Society of the Everglades, spoke regarding economic benefits of the Refuge and spoke in support of the Resolution.

Celeste DePalma, Aududon Florida, spoke regarding the issues with revoking the lease and her support of the Resolution.

Kay Gates, 9693 El Clair Ranch Road, Boynton Beach, Florida spoke regarding community support of the Resolution.

Discussion ensued regarding state and Federal funding, budgeting issues, maintenance of water quality and quantity, importance of the wildlife habitat, concerns that the proposed Resolution would not have enough teeth, the importance of the Refuge, putting information in the newspaper on where to write and who to contact to support the preservation of the Arthur R. Marshall Loxahatchee National Wildlife Refuge and how the proposed Resolution would help to get the desired results.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Resolution No. 02-2017. On roll call, the motion carried unanimously.

3. Coastal Update
H. Paul Brazil, P.E., Director of Public Works

a. Shore Line Update

Coastal Program Manager Rob Weber, provided an update on shoreline conditions.

Discussion ensued regarding removal of beach debris and materials from private beach areas and the appropriate response for disposal and removal, and beach erosion trends.

It was the consensus of the Town Council to direct

Public Works Staff to return to the February 14, 2017, Town Council meeting with further information and to seek guidance from the Town Council on the appropriate method for removal of large debris and materials from private areas on the beach.

4. Consideration of Request to Reserve Phipps Park's North Parking Lot for Private Use on February 11, 2017, and Approval Process for Future Related Requests.
Susan A. Owens, MMC, Town Clerk (Presented by Deputy Town Manager Jay Boodheshwar)

Event Planner Debbie Speier, on behalf of Stephen Schwarzman, 1768 S. Ocean Blvd., introduced herself to the Town Council.

Deputy Town Manager Boodheshwar provided an overview of the request to reserve Phipps Park's North Park Lot for private use on February 11, 2017, and approval process for future related requests.

Discussion ensued regarding the costs for the use of the parking lot, implementation of a hold harmless agreement, and the consideration that the request was for the use of the lot by a resident of the Town of Palm Beach.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve the use of the Phipps Park north parking for private use on February 11, 2017, and February 12, 2017, subject to the following conditions and provisions:

- **THE PARKING LOT IS TO BE USED BY VALET AND MINIMAL EVENT STAFF ONLY**
- **REQUESTOR MUST PROVIDE AN ATTENDEE TRANSPORT OF (4) TWELVE PASSENGER VANS SIMILAR TO THE FORD ECHOLINE PASSENGER LINE VAN**
- **REQUESTOR MUST PROVIDE A POWER SOURCE FOR SUPPLEMENTAL LIGHTING THAT IS SELF-POWERED**
- **REQUESTOR MUST PROVIDE CLEAN-UP ARRANGEMENTS WITH A SPECIFIED CLEANING COMPANY**
- **THE HIRING OF (6) SPECIAL ASSIGNMENT OFFICERS WITH ONE ASSIGNED SPECIFICALLY TO THE LOT**
- **AN APPROVED CERTIFICATE OF INSURANCE WITH COVERAGE OF $1,000,000**

- **A WRITTEN HOLD HARMLESS AGREEMENT FOR PERSONAL INJURY AND PERSONAL PROPERTY ACCEPTABLE TO THE TOWN ATTORNEY**

- **THE COST FOR USE OF THE PARKING LOT WILL BE CALCULATED AS FOLLOWS: $5.00 PER PARKING SPACE FOR 117 PARKING SPACES FOR SEVEN HOURS PLUS THE ADDITIONAL COST FOR STAFF TIME IN THE AMOUNT OF $300 FOR OPENING AND CLOSING THE GATES TO THE LOT**

5. Townwide Undergrounding Project Update
Thomas G. Bradford, Town Manager

Town Manager Bradford provided an overview of the Undergrounding Project Update.

Discussion ensued regarding the pending lawsuits, adherence to the original financing plans as approved by the electorate, consideration of an alternative short term funding source or interim financing, a public monthly update, including the dashboard report, to the Town Council, and the rising construction costs.

It was the consensus of the Town Council to direct Staff to proceed with the Town Attorney and Underground Utilities Task Force on pursuing the use of a Construction Manager At-Risk (CMAR), best value; if that cannot be resolved in a timely manner than Staff is to proceed with a traditional CMAR.

It was the consensus of the Town Council to direct Staff to continue seeking alternative finance options.

Council Member Lindsay Requested that residents be notified via Stay Informed with the Underground Utilities Dashboard Report and to include the Dashboard Report in the Town Council meeting back-up each month under Consent Agenda.

6. Appeal of Right of Way Permit Denial for Wells Fargo Bank located at 255 S. County Road
Thomas G. Bradford, Town Manager
(Withdrawn from Agenda)

C. Matters Pulled from Consent Agenda: If needed

1. RESOLUTION NO. 03-2017 A Resolution of the Mayor and Town Council of the Town of Palm Beach, Palm Beach County, Florida, ~~Supporting~~, Strongly Encouraging the State Legislature~~'s Efforts to Amend Section 403.7033, Under House Bill 93 and Companion~~

~~Senate Bill 162, Which Amendments Would Provide for Local Regulation and Enforcement of Plastic Bags Under the State's Proposed Guidelines; Alternatively, Should the Statute not be Amended, the Town Council Requests the~~ Repeal ~~of~~ Section 403.7033, Florida Statutes, so that Local Governments are no Longer Preempted from Enacting Appropriate Legislation Relating to the Regulation of Plastic Bags.
Jay Boodheshwar, Deputy Town Manager

Committee Chair Lindsay provided a verbal report of the ORS Committee meeting of December 8, 2016, which included an overview of the presentation that was given by Gray Foster, a student from the Palm Beach Day Academy, on the harmful effects of plastic bags, the proposed Resolution to repeal the existing law that prevents home rule from banning plastic bags, and the Town's clearance by the State to prohibit the release of helium balloons in the Town.

Deputy Town Manager Boodheshwar spoke regarding the proposed Resolution which would repeal home rule prevention on banning plastic bags and the proposed companion Ordinance banning the release of helium-based balloons and lanterns in the Town, and asked the Town Council for direction on getting community support from local businesses by recommending that they not use plastic bags.

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Resolution No. 03-2017, as amended. On roll call, the motion carried unanimously.

2. Request to Waive Sections 14-31, 14-33, and 14-34, of the Town Code to Permit the Take-off and Landing of Helicopters for the President Elect's Upcoming Term.
Thomas G. Bradford, Town Manager

Town Attorney Randolph provided clarification that the pertinent sections of the Town Code would not be waived, and the Town Code will remain the same and that the Town, under Section 14-34 would be designating Mar-a-Lago as a take-off and landing spot during the term(s) of office of President Elect Trump. He recommended adding "for business relating solely to the office of the President."

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to designate the Mar-a-Lago located at 1100 South Ocean Boulevard for take-off and landing of helicopters pursuant to

the provisions of Section 14-34 of the Town Code of Ordinances during the term(s) of office for President-Elect Donald J. Trump for business related to the presidency only. All other Ordinances, Rules and Regulations of the Town remain in effect including but not limited to permitting such as is required for the construction of a helipad that complies with the requirements of Chapter 54, Historical Preservation, of the Town Code of Ordinances. On roll call, the motion carried unanimously.

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 26-2016 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 V, Sidewalks; Section 106-156, Regarding Duty to Maintain Sidewalks and Gutters Free of Debris, Encumbrances and Obstructions; Providing a Definition of Debris, Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to adopt Ordinance No. 26-2016, on second and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 27-2016 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, Article I, In General, Section 66-2, Definitions So As To Add, Amend Or Delete Various Terms Related To Landscape And Irrigation Requirements; Amending Article IV, Vegetation, Relating To Conditions For Landscape Design, Installation And Removal; Moving General Requirements For Landscape Design To A New Section 285; Modifying Section 66-286 Establishing Minimum Requirements For Shade Trees, Required Landscaping For Interior Parking Lots, Minimum Landscape Installation Requirements, Modifying Irrigation Standards And Requirements For Irrigation And Irrigation Systems, Providing For Requirements Related To The Submission Of Plans, And Landscape Installation And Removal Permits; Adding Section 66-287 Requiring That All Required Landscaping Be Approved By The Planning, Zoning And Building Department Prior To The Issuance Of Certificates Of Occupancy Or Completion; Adding A New Section 66-288 Requiring Protection Of Trees During Construction; Adding A New Section 66-289 Requiring Vegetation

Maintenance; Adding A New Section 66-290 Providing Standards Related To Tree Trimming; Adding A New Section 66-291 Prohibiting Certain Practices Related To Tree Trimming; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building

Jorge Sanchez,239 Southland Rd., President of SMI Landscape Architecture spoke regarding the requirements of Ordinance No. 27-2016, stating that landscaping in the Town had never been regulated in such a form, and suggested that further study be done.

Discussion ensued regarding the ordinance language.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to remand Ordinance No. 27-2016, back to the Ordinances, Rules, and Standards (ORS) Committee for further review. On roll call, the motion carried unanimously.

Mr. Sanchez requested that he be contacted prior to the ORS Committee review, and Town Manager Bradford indicated that he would forward to the ORS Committee the critique relative to the maintenance requirements of this Ordinance.

3. ORDINANCE NO. 28-2016 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Rescinding Section 18-241 of The Town Code of Ordinances Relating To Building Board of Adjustment And Appeals In Its Entirety; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Lindsay, to adopt Ordinance No. 28-2016, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 04-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 70, Offenses by Creating a new Section 70-9 Entitled Balloons and Sky Lanterns Release; Providing for the Prohibition on the Release of Balloons and Sky Lanterns Within the Town; Providing Definitions Regarding the Same; Providing for Severability; Providing for Codification; Providing an Effective Date; and for Other Purposes.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Ordinance No. 04-2017, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 05-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Section 2-567. Of The Town Code Of Ordinances Relating To The Creation Of An Investment Advisory Committee; Amending Subsection (G) Thereof So As To Include In The Duties Of The Investment Advisory Committee The Obligation To Act As A Citizen Oversight Committee In Regard To The One-Cent Surtax Enacted By Law; To Review The Expenditure Of Said Surtax Proceeds By The Town And To File An Annual Report To The Town In Regard To The Committee's Duties As A Citizen Advisory Committee; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
John C. Randolph, Town Attorney

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Ordinance No. 05-2017, on first reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 06- 2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 2, Administration, Article X, Shore Protection Board at Section 2-636, so as to Create Term Limits and so as to Provide for The Appointment of Alternate Members; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
John C. Randolph, Town Attorney

Discussion ensued regarding the language in the Ordinance and it was the consensus of the Town Council to amend the language in Ordinance 06-2017 to include that the Town Council shall appoint three alternate members to the Shore Protection Board.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Ordinance No. 06-2017, on first reading, as amended. On roll call, the motion carried unanimously.

XII. ANY OTHER MATTERS - *None*

XIII. ADJOURNMENT

There being no further business, the January 10, 2017, regular Town Council meeting was adjourned at 5:30 p.m.

APPROVED:

_____
Michael J. Pucillo
Town Council President

ATTEST:

_____
Susan A. Owens, MPA, MMC
Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, JANUARY 10, 2017

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 5:36 p.m. on Tuesday, January 10, 2017, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

The Agenda was approved as printed.

III. The Coalition of Immokalee Workers, Inc. vs Town of Palm Beach, Case No. 16-CV- 80284-Rosenberg/Brannon, pending in the United States District Court, Southern District of Florida

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 Strategy Related to Litigation.

Town Council President Pucillo announced the following:

a.) The Attorney/Client Closed-Door Session
b.) The estimated time is thirty minutes
c.) The names of the persons attending:

Gail L. Coniglio, Mayor
Michael J. Pucillo, Town Council President
Richard M. Kleid, Town Council President Pro Tem
Bobbie Lindsay, Town Council Member
Danielle Hickox Moore, Town Council Member
Margaret A. Zeidman, Town Council Member
Thomas G. Bradford, Town Manager
John C. Randolph, Town Attorney
Margaret L. Cooper, Town Attorney
Pleasanton & Marsaa, Court Reporting

At 5:39 p.m., 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

A.) Call to Order

The Special Town Council meeting was reconvened at 5:55 p.m., in the Town Council Chambers.

B.) Town Council President to Announce the Termination of the Attorney/Client Session

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

V. ANY OTHER MATTERS – *None*

VI. ADJOURNMENT

There being no further business, the Special Town Council meeting of Tuesday, January 10, 2017, was adjourned at 5:56 p.m.

APPROVED:

_____
Michael J. Pucillo
Town Council President

ATTEST:

_____
Susan A. Owens, MPA, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Minutes

Agenda Title
LOCAL PLANNING AGENCY MEETING MINUTES
John S. Page, Director of Planning, Zoning and Building

a. Minutes of the November 9, 2016, LPA Meeting
b. Minutes of the December 14, 2016, LPA Meeting
c. Minutes of the January 11, 2016, LPA Meeting

Presenter

ATTACHMENTS:

- **a. Minutes of the November 9, 2016, LPA Meeting**
- **b. Minutes of the December 14, 2016, LPA Meeting**
- **c. Minutes of the January 11, 2016, LPA Meeting**

MINUTES OF THE TOWN COUNCIL

MEETING HELD ON WEDNESDAY, NOVEMBER 9, 2016

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, November 9, 2016, at 10:09 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 Pucillo led the Pledge of Allegiance.

III. PRESENTATIONS

A. Palm House

1) Update

Cary Glickstein, Esquire, Receiver gave an update on funding for public safety measures and pre-storm efforts. $13,000 was spent and he is working to get a refund. On December 30, 2016 there will be a hearing to expand the scope of the receivership.

2) Receiver's Request for Conditional Fine Abatement

Mr. Glickstein is requesting that the daily fine be temporarily abated. Discussion took place on abatement. Mr. Glickstein stated that defining scope of work would be difficult. Financial discussion followed. Town Manager Bradford stated that it would cost $15,000 - $20,000 to assess damage.

Motion was made by Council President Pro Tem Kleid, and seconded by Council President Pucillo, to approve to the abatement of ongoing daily fine for up to 120 days if the presiding judge releases funds for Town-initiated clean-up of property. Legal details will be coordinated between Mr. Glickstein and Town Attorney Randolph.

V. COMMENTS OF MAYOR GAIL L. CONIGLIO - none

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - none

VII. COMMUNICATIONS FROM CITIZENS

Alexandra Hufty, 154 Atlantic Avenue, spoke against the proposed Seaview Park improvements.

Anne Pepper, 333 Seaspray Avenue, informed all that with regard to the November 15th Community Meeting, regarding Seaview Park Improvements in Town Hall, and the construction taking place around Town Hall, parking should be allowed without fear of receiving a parking ticket.

VIII. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the December 14, 2016, Town Council meeting:

- Item No. IX.B.2.b., Special Exception #28-2016 With Site Plan Review and Variances
- Item No. IX.B.2.c., Special Exception #29-2016 With Site Plan Review and Variances
- Item No. IX.B.2.d., Special Exception 30-2016 With Site Plan Review and Variances
- Item No. IX.B.2.e., Variance #25-2016

Item No. IX.B.2.h., was withdrawn

Item No. IX.B.1.b., Special Exception #25,2016 With Site Plan Review and Variances, was deferred to the January 11, 2017, Town Council meeting

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

Leslie Shaw, 318 Seaspray Avenue, wanted to know that since Variance #26-2016 was withdrawn, and he objected to the concept, could he speak? He was directed to speak with the Building Department about this.

IX. DEVELOPMENT REVIEWS

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

A. Time Extensions and Waivers

1. Request for One-year Time Extension, VAR #26-2015, 12 Lagomar Road

John S. Page, Director of Planning, Zoning and Building

No ex-parte communications were declared.

Attorney Maura Ziska provided an overview on the applicant's request.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to grant 7- month time extension. On roll call, motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. VARIANCE #24-2016 The application of Desmond and Cristina Keogh; relative to property commonly known as 241 El Dorado Ln., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a 898 square foot addition one story addition to the main house and a 842 square foot one story garage addition (total of 1,740 sq. ft.) which will require the following variances: 1) an east side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 2) a west

side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 3) a rear yard setback of 9.5 feet in lieu of the 10 foot minimum required; 4) lot coverage of 32.4% in lieu of the 30% maximum allowed for single story construction on lots in excess of 20,000 square feet. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of the applicant's request.

Architect Michael Perry provided additional details on the project.

Discussion took place about keeping the home consistent with the neighborhood and dimensions of the property. Zoning Administrator Castro stated that adding structure to setbacks is the reason for the variance.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Variance # 24-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #25-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Harvey E. Oyer, III, Esq. (Agent); relative to property commonly known as 141 S County Rd. & Vacant lot on west side of S County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a Special Exception with Site Plan Review and Variances to construct required off-street & supplemental parking spaces to accommodate 34 additional required off-street & supplemental parking, specifically 11 parallel parking spaces are proposed to be located on private property along the north side of the 100 block of Barton Avenue, adjacent to the Church. 23 parking spaces are proposed to be located on the Church's parcel directly west of the Place of Worship across South County Road. If approved, the additional 34 required off-street & supplemental parking spaces will substantially alleviate the recent loss of parking that has existed as a result of changes to the Town's parking policies. At the Town Council's direction, the applicant seeks to allow residents of the 100 & 200 block of Barton Avenue along with residents of the 200 block of Pendleton Avenue to use the 34 off-street and supplemental parking spaces by way of a Declaration of Use agreement.

The following variances are requested for the 11 parallel required off-street parking spaces to be located on the north side of the 100 block of Barton Avenue: 1) to allow the landscape open space area to be reduced from the existing 51.98% to 50.48% in lieu of 55% minimum landscape open space as required by code; 2) to allow the off-street parking with a zero setback in lieu of the 25 foot minimum setback required; 3) to allow the off-street parking spaces not to include the required screening with hedges, walls or a combination thereof as required; 4) to allow the interior off-street parking landscape open space to be reduced to zero in lieu of the minimum 10% (205.3 sq. ft.) required. [Attorney: Harvey E. Oyer, Esq.] (Landmarks Preservation Commission meeting: Deferred the Project to December 21, 2016. Carried 7-0.)

John S. Page, Director of Planning, Zoning & Building

Deferred to January 11, 2017, Town Council meeting

c. MODIFIED SPECIAL EXCEPTION #13-2016 WITH SITE PLAN REVIEW The application of Miradieu Aubourg, PBC Capital Improvements Division; relative to property commonly known as 2882 S. Ocean Blvd., described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Modified Special Exception with Site Plan Review to leave the 5 foot wide beach access easement in its existing location along the northern perimeter of the park site. The beneficiaries of this easement may still use said easement for access to the beach. In addition, this modified request proposes to leave the existing sidewalk that meanders outside of the easement from the beach and to the existing parking lot in place as it currently exists. No changes to the existing landscape in the vicinity of the easement or sidewalk are proposed. [Attorney: Denise M. Nieman, Esq.]

Deferred from the May 11, 2016, and October 13, 2016 Town Council Meetings.

John S. Page, Director of Planning, Zoning & Building

The following ex-parte communications were declared: Mayor Coniglio had discussions with Carla Cove and James Ryan of La Palma and applicant to determine direction of project.

Council President Pucillo had conversations with Terry O'Donnell, Board of Directors of La Palma, trying to find some reasonable solution to these competing concerns. In a second conversation, Mr. O'Donnell advised him of agreement that parties worked out.

Ms. Lindsay had brief conversation with Carla Cove looking for solutions.

Colleen Walter, Urban Design Kilday Studios, Palm Beach County Planning Consultant, facilitated another meeting with two adjacent condo

associations to see if a consensus could be reached on a design for the pedestrian sidewalk along the northern limits of the parcel. There is a consensus to reinstate the pathway that was in the 5' easement along the northern perimeter. Existing pathway that leads from A1A will connect into new pathway and continue along southern route adjacent to parking lot and then reconnect along the eastern end.

Discussion and clarification took place with regard to direction and placement of pathway.

Lisa Reves of Rosenbaum Mollengarden, representing Palm Worth, stated that the only remaining issue for Palm Worth is guaranteed access from the park's north property line. Palm Worth is requesting that the Council require an access agreement

Council President Pucillo questioned whether or not this is needed.

Ms. Walter stated that Palm Beach County has no objection to granting this access but asks that this will not be a condition of the permit.

Carla Cove, 2860 South Ocean Boulevard, Director of La Palma Condo Association, spoke on behalf of La Palma. They will continue to negotiate with Palm Worth. Suggested that the Council is not needed to be involved in a cross easement agreement.

Mayor congratulated all for coming to an agreement. Questioned process going forward and would like for this to be done in a timely manner.

Ms. Walter explained the process and stated that time is of the essence.

Motion was made by Council Member Kleid, and seconded by Council Member Zeidman, to accept the County's recommendation for option 3 which is a concrete sidewalk 5' wide running from east to west to connect with existing asphalt roadway, and that the town has no objection if the County wishes to give a written legal easement agreement to Palm Worth.

Motion made by Council Member Zeidman that Modified Special Exception #13-2016, 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. Further, Site Plan Review #13-2016 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. SITE PLAN REVIEW #11-2016 WITH VARIANCE The application of Harold Peerenboom; relative to property commonly known as 8 Sloan's Curve Dr.,

described as lengthy legal description on file; located in the PUD-B Zoning District. The applicant is requesting a site plan review to infill a portion of the balcony on the east side of the second story of the townhouse which comprises on 132 square feet. The proposed addition will modify a previously approved site plan in a PUD complying with the Town's Code. The applicant is also requesting a variance to allow the enclosure of an existing open balcony in the PUD-B zoning district which follows the R-C Zoning regulations that prevents such enclosure. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Site Plan #11-2016 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.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, that Variance #11-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 316 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.[Architectural Commission Recommendation: Deferred Project to November 30, 2016 meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

c. SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 320 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to the November 30, 2016 Meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

d. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as 340 Seaview Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning

units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.] [Architectural Commisson Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 5-2. Mr. Gruss and Mr. Small Opposed.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

e. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as 221 Oleander Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to the November 30, 2016 meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

f. VARIANCE #27-2016 The application of Oliver R. Grace, Jr.; relative to property commonly known as 270 Algoma Rd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmarked residence by adding a second story addition and balcony rail which require the following variances: 1) a 447.96 square foot second story addition to the east side of the residence that will have a 32.2 front yard setback in lieu of the 35 foot minimum required and a building height plane setback of 31.66 feet in lieu of the 46.17 feet minimum required and an angle of vision of 131 degrees in lieu of the 120 degrees maximum allowed; 2) the addition of balcony railings above the existing one story on the east side of the house that would have a front yard setback of 32.2 feet in lieu of the 35 foot minimum required and an angle of vision of 136 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmark Recommendation: Implementation of the Proposed Variance Will Not Cause Negative Architectural Impacts to the Subject Landmarked Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Ex-parte communications: Council Member Moore spoke to Attorney Ziska, who advocated the position of her client, two years ago.

Attorney Ziska provided an overview of the applicant's request.

Architect Jackie Albarran provided additional information.

Discussion on setback and angle of vision.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Variance #27-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. VARIANCE #28-2016 The application of Dean Vegosen, as Trustee of the Land Trust dated June 22, 1995; relative to property commonly known as 1015 S. Ocean Blvd., described as lengthy legal description on file; located in the R-A Zoning District. The residence at 1015 S. Ocean Blvd. was constructed in 1937. The owner is replacing the roof tiles on the house. As part of this project, she requests to add two roof elements on the north end of the house where an existing flat roof and valley have created aesthetic and drainage problems. The new elements will be a pitched roof and a cricket. The new roof elements will increase height in nonconforming setbacks and angle of vision but will not further reduce the setbacks or increase the existing angle of vision. The following variances are being requested: 1) increase building (roof) height with a 13.66 foot setback from the west (front) property line in lieu of the 35" minimum setback required; 2) add building (roof) height outside the allowed angle of vision, which is 120 degrees on this site. This existing structure has an angle of vision of 146.93 degrees; 3) increase building (roof) height with a 5.08 foot setback from the north (side) property line in lieu of the 15 foot minimum setback required; and 4) increase building (roof) height with a 9.50 foot setback from the east (rear) property line in lieu of the minimum 15 foot setback required. [Attorney: Jamie M. Crowley, Esq.] [Architectural Commission Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Jamie Crowley provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments which included that seawall repair be a condition of approval.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Variance #28-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the condition that there be no drainage holes on to the beach. On roll call, the motion carried unanimously.

h. VARIANCE #26-2016 The application of David and Jeanne Daniel; relative to property commonly known as 322 Seaspray Ave., described as lengthy legal description

on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a three sided wing wall on the east side of the property to screen a 48 KW generator at a height of 8.25 feet from the adjacent neighbor's grade in lieu of the 7 foot maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmark Commission Recommendation: Implementation of the Proposed Variance Will Not Cause Negative Architectural Impacts to the Subject Landmarked Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Withdrawn

X. ORDINANCES

A. First Reading

1. ORDINANCE NO. 16-2016 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: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the September 14, 2016 Town Council Meeting.

John S. Page, Director of Planning, Zoning & Building

No ex-parte communication was declared.

Mayor Coniglio recused herself.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Ordinance No. 16-2016 on first reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

A. Storage

Director Page explained the issue and the reasons for the zoning ordinance. He spoke of five proposed zoning changes that would ease existing requirements.

John Eubanks, 605 North Olive Avenue, representing Burt Handlesmann and Palm V, spoke on behalf of his client requesting that this ordinance not be adopted.

Council President Pucillo clarified that Mr. Eubanks thinks a code provision is necessary, but some changes need to be made. Unresolved issues pertain to the proposed first floor restriction, some building restrictions, and 125' not-to-exceed distance restriction.

Council Member Lindsay asked Mr. Eubanks to come back to the Council with his proposals for a Code change.

Mayor was concerned about creating additional problems for owners already in these buildings.

Mr. Klein stated that the Planning & Zoning Commission wants to find a solution. This is a legitimate approach to solving an existing problem.

Council President Pucillo suggested that this be remanded back to Planning and Zoning Commission. Directed Mr. Eubanks to go the P&Z meeting after speaking with Worth Avenue merchants and return with reasonable solutions.

Discussion ensued about storage and then this item was referred back to the Planning and Zoning Commission to identify further solutions.

Moving forward, Zoning Administrator Castro explained changes and answered Council Members questions regarding proposed zoning changes regarding medical marijuana.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve this recommendation.

XII. ADJOURNMENT

MINUTES OF THE LOCAL PLANNING AGENCY MEETING HELD ON WEDNESDAY, DECEMBER 14, 2016

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency meeting was called to order on Wednesday, December 14, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. COMMUNICATIONS FROM CITIZENS – None

III. **ORDINANCE NO. 24-2016** 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 Definitions For Medical Marijuana Treatment Center, Medical Marijuana Dispensary And Cannabis Cultivation; Article VI, District Regulations, Section 134-1109, Special Exception Uses, By Prohibiting Medical Marijuana Or Providing Said Use As A Special Exception In The C-Ts Zoning District Should The State Preempt Said Prohibition; At Article VIII, Supplementary District Regulations, Section 134-1731, Outdoor Lighting, By Providing Regulations For Light Trespass; At Article VIII, Supplemental District Regulations, By Creating Division 16, "Reasonable Accommodation Procedures", Section 134-2112, Reasonable Accommodation Procedures, By Providing For Reasonable Accommodation Procedures Pursuant To The Fair Housing Amendments Act And Title II Of The American's With Disabilities Act; At Article VIII, Supplementary District Regulations By Creating A Division 17, "Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries", Section 134-2113, Prohibition, And Section 2114, Development Standards, By Prohibiting Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries Marijuana Cultivation And Creating Regulations For Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries Should State Law Preempt Said Prohibition In The Town Of Palm Beach; Division 16 Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Planning, Zoning & Building Director Page gave an overview of the Ordinance. Zoning Administrator Castro provided additional information.

Agency Member Pucillo asked if there was any litigation in relation to State preemption that might trigger this provision. Town Attorney Randolph reported that there was not.

Motion made by Agency Member Zeidman, and seconded by Agency Member Moore, to approve Ordinance No. 24-2016.

ORDINANCE NO. 25-2016 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*, At Article I, In General, By Adding Section 106-5 Use Of Medical Marijuana On Public And Semi-Public Property, Prohibiting The Smoking Of Marijuana On Rights-Of-Way, Parks, Playgrounds, Recreational Facilities, Public Buildings, Beaches Or Other Property Owned And Controlled By The Town Of Palm Beach; Providing For

Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Mr. Page provided an overview of the Ordinance.

Motion made by Agency Member Moore, and seconded by Agency Member Zeidman, to approve Ordinance No. 25-2016. On roll call, the motion carried unanimously.

IV. ADJOURNMENT

MINUTES OF THE LOCAL PLANNING AGENCY MEETING HELD ON WEDNESDAY, NOVEMBER 9, 2016

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency meeting was called to order on Wednesday, November 9, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. COMMUNICATIONS FROM CITIZENS

Ordinance # 16-2016 was the sole item of business on the Agenda. It contains several changes to the zoning ordinance. Two items have been of particular interest to the community: provisions that would allow non-conforming structures on the "Sea-Streets" to be rebuilt and changes to sub-basements, including underground parking garages.

Anne Pepper, 333 Seaspray spoke against proposed changes.

Peggy Trethewey, 165 Main Street, spoke against proposed changes.

Brandon Chad, Alliance of Palm Beach, spoke against proposed changes stating inconsistency with Town's Comprehensive Plan.

Chair Pucillo tried to clarify misunderstanding on the meaning of 70% coverage.

Jason Skinner, Dailey Janssen Architects, discussed benefits of allowing sub basements, specifically allowing more parking.

Jackie Albarran, SDA Architects, spoke about the proposed changes with regard to the way this would change the historic fabric of this area.

Chair Pucillo spoke about the green space requirements remaining the same. The Sea Streets are an example of the community working well together and coming up with a way to preserve the area. He thinks that this ordinance will have a very positive effect on this part of Town.

Agency Member Moore encouraged property owners on Sea Streets to volunteer their homes to become landmarked.

Agency Member Kleid suggested focusing on what has not changed: height, setbacks, drainage requirements, off-street parking, minimum landscape requirements, etc. all remain the same.

Agency Member Lindsay wanted to let everyone know that Royal Poinciana Plaza is excluded from this ordinance. She also expressed her concerns on drainage. She will meet with Paul Brazil and bring back findings back to Council.

Martin Klein, Chairman of Planning & Zoning Commission spoke in favor of the ordinance.

III. **ORDINANCE NO. 16-2016** 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: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion made by Agency Member Kleid and seconded by Agency Member Zeidman, to approve Ordinance 16-2016. On roll call, the motion carried unanimously.

IV. ADJOURNMENT

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Minutes

Agenda Title
DEVELOPMENT REVIEW MEETING MINUTES
John S. Page, Director of Planning, Zoning and Building

a. Minutes of the November 9, 2016, Regular Meeting
b. Minutes of the December 14, 2016, Regular Meeting
c. Minutes of the January 11, 2017, Regular Meeting

Presenter

ATTACHMENTS:

- **a. Minutes of the November 9, 2016, Regular Meeting**
- **b. Minutes of the December 14, 2016, Regular Meeting**
- **c. Minutes of the January 11, 2017, Regular Meeting**

MINUTES OF THE TOWN COUNCIL

MEETING HELD ON WEDNESDAY, NOVEMBER 9, 2016

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, November 9, 2016, at 10:09 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 Pucillo led the Pledge of Allegiance.

III. PRESENTATIONS

A. Palm House

1) Update

Cary Glickstein, Esquire, Receiver gave an update on funding for public safety measures and pre-storm efforts. $13,000 was spent and he is working to get a refund. On December 30, 2016 there will be a hearing to expand the scope of the receivership.

2) Receiver's Request for Conditional Fine Abatement

Mr. Glickstein is requesting that the daily fine be temporarily abated. Discussion took place on abatement. Mr. Glickstein stated that defining scope of work would be difficult. Financial discussion followed. Town Manager Bradford stated that it would cost $15,000 - $20,000 to assess damage.

Motion was made by Council President Pro Tem Kleid, and seconded by Council President Pucillo, to approve to the abatement of ongoing daily fine for up to 120 days if the presiding judge releases funds for Town-initiated clean-up of property. Legal details will be coordinated between Mr. Glickstein and Town Attorney Randolph.

V. COMMENTS OF MAYOR GAIL L. CONIGLIO - none

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - none

VII. COMMUNICATIONS FROM CITIZENS

Alexandra Hufty, 154 Atlantic Avenue, spoke against the proposed Seaview Park improvements.

Anne Pepper, 333 Seaspray Avenue, informed all that with regard to the November 15th Community Meeting, regarding Seaview Park Improvements in Town Hall, and the construction taking place around Town Hall, parking should be allowed without fear of receiving a parking ticket.

VIII. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the December 14, 2016, Town Council meeting:

- Item No. IX.B.2.b., Special Exception #28-2016 With Site Plan Review and Variances
- Item No. IX.B.2.c., Special Exception #29-2016 With Site Plan Review and Variances
- Item No. IX.B.2.d., Special Exception 30-2016 With Site Plan Review and Variances
- Item No. IX.B.2.e., Variance #25-2016

Item No. IX.B.2.h., was withdrawn

Item No. IX.B.1.b., Special Exception #25,2016 With Site Plan Review and Variances, was deferred to the January 11, 2017, Town Council meeting

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

Leslie Shaw, 318 Seaspray Avenue, wanted to know that since Variance #26-2016 was withdrawn, and he objected to the concept, could he speak? He was directed to speak with the Building Department about this.

IX. DEVELOPMENT REVIEWS

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

A. Time Extensions and Waivers

1. Request for One-year Time Extension, VAR #26-2015, 12 Lagomar Road

John S. Page, Director of Planning, Zoning and Building

No ex-parte communications were declared.

Attorney Maura Ziska provided an overview on the applicant's request.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to grant 7- month time extension. On roll call, motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. VARIANCE #24-2016 The application of Desmond and Cristina Keogh; relative to property commonly known as 241 El Dorado Ln., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a 898 square foot addition one story addition to the main house and a 842 square foot one story garage addition (total of 1,740 sq. ft.) which will require the following variances: 1) an east side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 2) a west

side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 3) a rear yard setback of 9.5 feet in lieu of the 10 foot minimum required; 4) lot coverage of 32.4% in lieu of the 30% maximum allowed for single story construction on lots in excess of 20,000 square feet. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of the applicant's request.

Architect Michael Perry provided additional details on the project.

Discussion took place about keeping the home consistent with the neighborhood and dimensions of the property. Zoning Administrator Castro stated that adding structure to setbacks is the reason for the variance.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Variance # 24-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #25-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Harvey E. Oyer, III, Esq. (Agent); relative to property commonly known as 141 S County Rd. & Vacant lot on west side of S County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a Special Exception with Site Plan Review and Variances to construct required off-street & supplemental parking spaces to accommodate 34 additional required off-street & supplemental parking, specifically 11 parallel parking spaces are proposed to be located on private property along the north side of the 100 block of Barton Avenue, adjacent to the Church. 23 parking spaces are proposed to be located on the Church's parcel directly west of the Place of Worship across South County Road. If approved, the additional 34 required off-street & supplemental parking spaces will substantially alleviate the recent loss of parking that has existed as a result of changes to the Town's parking policies. At the Town Council's direction, the applicant seeks to allow residents of the 100 & 200 block of Barton Avenue along with residents of the 200 block of Pendleton Avenue to use the 34 off-street and supplemental parking spaces by way of a Declaration of Use agreement.

The following variances are requested for the 11 parallel required off-street parking spaces to be located on the north side of the 100 block of Barton Avenue: 1) to allow the landscape open space area to be reduced from the existing 51.98% to 50.48% in lieu of 55% minimum landscape open space as required by code; 2) to allow the off-street parking with a zero setback in lieu of the 25 foot minimum setback required; 3) to allow the off-street parking spaces not to include the required screening with hedges, walls or a combination thereof as required; 4) to allow the interior off-street parking landscape open space to be reduced to zero in lieu of the minimum 10% (205.3 sq. ft.) required. [Attorney: Harvey E. Oyer, Esq.] (Landmarks Preservation Commission meeting: Deferred the Project to December 21, 2016. Carried 7-0.)

John S. Page, Director of Planning, Zoning & Building

Deferred to January 11, 2017, Town Council meeting

c. MODIFIED SPECIAL EXCEPTION #13-2016 WITH SITE PLAN REVIEW The application of Miradieu Aubourg, PBC Capital Improvements Division; relative to property commonly known as 2882 S. Ocean Blvd., described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Modified Special Exception with Site Plan Review to leave the 5 foot wide beach access easement in its existing location along the northern perimeter of the park site. The beneficiaries of this easement may still use said easement for access to the beach. In addition, this modified request proposes to leave the existing sidewalk that meanders outside of the easement from the beach and to the existing parking lot in place as it currently exists. No changes to the existing landscape in the vicinity of the easement or sidewalk are proposed. [Attorney: Denise M. Nieman, Esq.]

Deferred from the May 11, 2016, and October 13, 2016 Town Council Meetings.

John S. Page, Director of Planning, Zoning & Building

The following ex-parte communications were declared: Mayor Coniglio had discussions with Carla Cove and James Ryan of La Palma and applicant to determine direction of project.

Council President Pucillo had conversations with Terry O'Donnell, Board of Directors of La Palma, trying to find some reasonable solution to these competing concerns. In a second conversation, Mr. O'Donnell advised him of agreement that parties worked out.

Ms. Lindsay had brief conversation with Carla Cove looking for solutions.

Colleen Walter, Urban Design Kilday Studios, Palm Beach County Planning Consultant, facilitated another meeting with two adjacent condo

associations to see if a consensus could be reached on a design for the pedestrian sidewalk along the northern limits of the parcel. There is a consensus to reinstate the pathway that was in the 5' easement along the northern perimeter. Existing pathway that leads from A1A will connect into new pathway and continue along southern route adjacent to parking lot and then reconnect along the eastern end.

Discussion and clarification took place with regard to direction and placement of pathway.

Lisa Reves of Rosenbaum Mollengarden, representing Palm Worth, stated that the only remaining issue for Palm Worth is guaranteed access from the park's north property line. Palm Worth is requesting that the Council require an access agreement

Council President Pucillo questioned whether or not this is needed.

Ms. Walter stated that Palm Beach County has no objection to granting this access but asks that this will not be a condition of the permit.

Carla Cove, 2860 South Ocean Boulevard, Director of La Palma Condo Association, spoke on behalf of La Palma. They will continue to negotiate with Palm Worth. Suggested that the Council is not needed to be involved in a cross easement agreement.

Mayor congratulated all for coming to an agreement. Questioned process going forward and would like for this to be done in a timely manner.

Ms. Walter explained the process and stated that time is of the essence.

Motion was made by Council Member Kleid, and seconded by Council Member Zeidman, to accept the County's recommendation for option 3 which is a concrete sidewalk 5' wide running from east to west to connect with existing asphalt roadway, and that the town has no objection if the County wishes to give a written legal easement agreement to Palm Worth.

Motion made by Council Member Zeidman that Modified Special Exception #13-2016, 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. Further, Site Plan Review #13-2016 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. SITE PLAN REVIEW #11-2016 WITH VARIANCE The application of Harold Peerenboom; relative to property commonly known as 8 Sloan's Curve Dr.,

described as lengthy legal description on file; located in the PUD-B Zoning District. The applicant is requesting a site plan review to infill a portion of the balcony on the east side of the second story of the townhouse which comprises on 132 square feet. The proposed addition will modify a previously approved site plan in a PUD complying with the Town's Code. The applicant is also requesting a variance to allow the enclosure of an existing open balcony in the PUD-B zoning district which follows the R-C Zoning regulations that prevents such enclosure. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Site Plan #11-2016 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.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, that Variance #11-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 316 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.[Architectural Commission Recommendation: Deferred Project to November 30, 2016 meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

c. SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 320 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to the November 30, 2016 Meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

d. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as 340 Seaview Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning

units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.] [Architectural Commisson Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 5-2. Mr. Gruss and Mr. Small Opposed.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

e. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as 221 Oleander Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred Project to the November 30, 2016 meeting. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Deferred to December 14, 2016 Town Council meeting

f. VARIANCE #27-2016 The application of Oliver R. Grace, Jr.; relative to property commonly known as 270 Algoma Rd., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmarked residence by adding a second story addition and balcony rail which require the following variances: 1) a 447.96 square foot second story addition to the east side of the residence that will have a 32.2 front yard setback in lieu of the 35 foot minimum required and a building height plane setback of 31.66 feet in lieu of the 46.17 feet minimum required and an angle of vision of 131 degrees in lieu of the 120 degrees maximum allowed; 2) the addition of balcony railings above the existing one story on the east side of the house that would have a front yard setback of 32.2 feet in lieu of the 35 foot minimum required and an angle of vision of 136 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmark Recommendation: Implementation of the Proposed Variance Will Not Cause Negative Architectural Impacts to the Subject Landmarked Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Ex-parte communications: Council Member Moore spoke to Attorney Ziska, who advocated the position of her client, two years ago.

Attorney Ziska provided an overview of the applicant's request.

Architect Jackie Albarran provided additional information.

Discussion on setback and angle of vision.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Variance #27-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. VARIANCE #28-2016 The application of Dean Vegosen, as Trustee of the Land Trust dated June 22, 1995; relative to property commonly known as 1015 S. Ocean Blvd., described as lengthy legal description on file; located in the R-A Zoning District. The residence at 1015 S. Ocean Blvd. was constructed in 1937. The owner is replacing the roof tiles on the house. As part of this project, she requests to add two roof elements on the north end of the house where an existing flat roof and valley have created aesthetic and drainage problems. The new elements will be a pitched roof and a cricket. The new roof elements will increase height in nonconforming setbacks and angle of vision but will not further reduce the setbacks or increase the existing angle of vision. The following variances are being requested: 1) increase building (roof) height with a 13.66 foot setback from the west (front) property line in lieu of the 35" minimum setback required; 2) add building (roof) height outside the allowed angle of vision, which is 120 degrees on this site. This existing structure has an angle of vision of 146.93 degrees; 3) increase building (roof) height with a 5.08 foot setback from the north (side) property line in lieu of the 15 foot minimum setback required; and 4) increase building (roof) height with a 9.50 foot setback from the east (rear) property line in lieu of the minimum 15 foot setback required. [Attorney: Jamie M. Crowley, Esq.] [Architectural Commission Recommendation: Implementation of the Proposed Variances Will Not Cause Negative Architectural Impact to the Subject Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Jamie Crowley provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments which included that seawall repair be a condition of approval.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Variance #28-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the condition that there be no drainage holes on to the beach. On roll call, the motion carried unanimously.

h. VARIANCE #26-2016 The application of David and Jeanne Daniel; relative to property commonly known as 322 Seaspray Ave., described as lengthy legal description

on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a three sided wing wall on the east side of the property to screen a 48 KW generator at a height of 8.25 feet from the adjacent neighbor's grade in lieu of the 7 foot maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmark Commission Recommendation: Implementation of the Proposed Variance Will Not Cause Negative Architectural Impacts to the Subject Landmarked Property. Carried 7-0.]

John S. Page, Director of Planning, Zoning & Building

Withdrawn

X. ORDINANCES

A. First Reading

1. ORDINANCE NO. 16-2016 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: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the September 14, 2016 Town Council Meeting.

John S. Page, Director of Planning, Zoning & Building

No ex-parte communication was declared.

Mayor Coniglio recused herself.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Ordinance No. 16-2016 on first reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

A. Storage

Director Page explained the issue and the reasons for the zoning ordinance. He spoke of five proposed zoning changes that would ease existing requirements.

John Eubanks, 605 North Olive Avenue, representing Burt Handlesmann and Palm V, spoke on behalf of his client requesting that this ordinance not be adopted.

Council President Pucillo clarified that Mr. Eubanks thinks a code provision is necessary, but some changes need to be made. Unresolved issues pertain to the proposed first floor restriction, some building restrictions, and 125' not-to-exceed distance restriction.

Council Member Lindsay asked Mr. Eubanks to come back to the Council with his proposals for a Code change.

Mayor was concerned about creating additional problems for owners already in these buildings.

Mr. Klein stated that the Planning & Zoning Commission wants to find a solution. This is a legitimate approach to solving an existing problem.

Council President Pucillo suggested that this be remanded back to Planning and Zoning Commission. Directed Mr. Eubanks to go the P&Z meeting after speaking with Worth Avenue merchants and return with reasonable solutions.

Discussion ensued about storage and then this item was referred back to the Planning and Zoning Commission to identify further solutions.

Moving forward, Zoning Administrator Castro explained changes and answered Council Members questions regarding proposed zoning changes regarding medical marijuana.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve this recommendation.

XII. ADJOURNMENT

MINUTES OF THE TOWN COUNCIL MEETING
HELD ON WEDNESDAY, DECEMBER 14, 2016

I. CALL TO ORDER AND ROLL CALL

The Town Council meeting was called to order on Wednesday, December 14, 2016 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 Pucillo led the Pledge of Allegiance.

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO - none

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Mr. Pucillo attended a status conference in a case brought against the Town of Palm Beach by Palm House. He provided a brief report.

VI. COMMUNICATIONS FROM CITIZENS

Anita Seltzer, Cocoanut Row, followed up on comments from the December 13, 2016 Town Council meeting, regarding Bradley Park and provided the Landmarks Designation Report for the record.

Hugh Davis, Davis General Contracting, spoke in regard to 1095 North Ocean Blvd and Stop Work order due to violation of 3-Strike Parking Rule. Project is finished with exception of final inspections. Temporary Certificate of Occupancy has been issued.

Planning, Zoning & Building Director Page explained the 3-Strike Parking Rule. Six parking violations occurred so the decision was made to stop the project. Mr. Page read portion of the policy to clarify options for the Council.

Mayor Coniglio expressed displeasure with the parking violations but wanted the project finished. Mr. Pucillo suggested (and there was consensus) that for the remainder of the job, Davis General Contracting is to use the courtyard on the property and not park on the street. If any cars are on the street, the job will be shut down and they will be fined $500.

VII. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following item was deferred to the January 11, 2017, Town Council meeting:

- Item No. IX.A.1.f, Variance #25-2016.

DEFERRALS: The following items were deferred to the February 15, 2017, Town Council meeting:

- Item No. IX.A.1.b., Special Exception #28-2016 With Site Plan Review and Variances.
- Item No. IX.A.1.c., Special Exception #29-2016 With Site Plan Review and Variances.
- Item No. IX.A.1.d., Special Exception #30-2016 With Site Plan Review and Variances.
- Item No. IX.A.1.a., Special Exception #25-2016 With Site Plan Review and Variances was withdrawn.

Item No. XI.A., Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning, And The Town's Comprehensive Plan, Was Moved to Beginning of Agenda (Following Approval of Agenda, Before Public Hearings)

ADDITION: Item XI.B., Landmarks Preservation Commission - Unexcused Absences *(Deferred from the December 13, 2016, Town Council meeting*)

ADDITION: Item XI.C., Shore Protection Board *(Deferred from December 13, 2016 Town Council meeting)*

ADDITION: Item XI.D., Palm House Update Added by John C. Randolph, Town Attorney

Motion was made by Council Member Kleid, and seconded by Council Member Moore, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

(Clerk's Note: Item No. XI.A., Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning, and the Town's Comprehensive Plan, was heard before the following item)

VIII. PUBLIC HEARINGS

A. Resolution No. 228–2016 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 89 Middle Road Continues To Meet 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 Amends The Existing Designation Of 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.
John S. Page, Director of Planning, Zoning & Building

The following ex-parte communications were declared: Mr. Pucillo and Ms. Lindsay met with the property owner's attorney. Ms. Coniglio and Mr. Kleid had conversations with Attorney Greg Young, who advocated for his client's position.

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

Director Page provided a history of the property.

Landmark Consultant Emily Stillings, of Murphy Stillings, LLC, provided further detail on the property.

Motion made by Council Member Moore, and seconded by Council Member Lindsay, that the designation report become part of the record. On roll call, the motion carried unanimously.

Motion made by Council Member Moore, and seconded by Council Member Lindsay, to approve Resolution No. 228-2016. On roll call, the motion carried unanimously.

B. Resolution No. 229–2016 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 434 Seaspray Avenue 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.

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Mr. Page provided a few unique details about the property. Title holder owns total of nine contiguous lots. Three of the lots front on Seaspray. Remaining six properties front on Seaview. Mr. Page described three alternate resolution descriptions (which vary depending upon how many of the contiguous lots are designated).

Landmark Consultant Janet Murphy of Murphy Stillings, LLC, provided additional information.

Attorney Scott Silver of Shutts & Bowen representing Valley National Bank (mortgage holder), provided additional information regarding foreclosure action and asked for a deferral.

Discussion ensued on designation of part or parts of property, including mortgage complications.

Rene Silvin, speaking on behalf of Landmarks Commission, confirmed that the Landmarks Commission focused on the lots fronting Seaspray Avenue. He believes that landmarking a house increases value.

Motion made by Council Member Moore, and seconded by Council Member Lindsay, that the designation report be made part of the record. On roll call, the motion carried unanimously.

Motion made by Council Member Moore, and seconded by Council Member Lindsay, to approve Resolution No. 229-2016 for the entire property. On roll call, the motion carried 3-2, with Council President Pucillo and Council President Pro Tem Kleid dissenting.

IX. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

Deputy Town Clerk Ruderman swore in all who would be providing testimony and had not been sworn in previously.

(Clerk's Note: Item IX.A.2.c., was heard before the following item)

(Clerk's Note: Item IX.A.2.b., was heard before the following item)

1. Old Business

a. SPECIAL EXCEPTION #25-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Harvey E. Oyer, III, Esq. (Agent); relative to property commonly known as 141 S County Rd. & Vacant lot on west side of S County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a Special Exception with Site Plan Review and Variances to construct required off-street & supplemental parking spaces to accommodate 34 additional required off-street & supplemental parking, specifically 11 parallel parking spaces are proposed to be located on private property along the north side of the 100 block of Barton Avenue, adjacent to the Church. 23 parking spaces are proposed to be located on the Church's parcel directly west of the Place of Worship across South County Road. If approved, the additional 34 required off-street & supplemental parking spaces will substantially alleviate the recent loss of parking that has existed as a result of changes to the Town's parking policies. At the Town Council's direction, the applicant seeks to allow residents of the 100 & 200 block of Barton Avenue along with residents of the 200 block of Pendleton Avenue to use the 34 off-street and supplemental parking spaces by way of a Declaration of Use agreement. The following variances are requested for the 11 parallel required off-street parking spaces to be located on the north side of the 100 block of Barton Avenue: 1) to allow the landscape open space area to be reduced from the existing 51.98% to 50.48% in lieu of 55% minimum landscape open space as required by code; 2) to allow the off-street parking with a zero setback in lieu of the 25 foot minimum setback required; 3) to allow the off-street parking spaces not to include the required screening with hedges, walls or a combination thereof as required; 4) to allow the interior off-street parking landscape open space to be reduced to zero in lieu of the minimum 10% (205.3 sq. ft.) required. [Attorney: Harvey E. Oyer, Esq.] (Landmarks Preservation Commission meeting: Deferred the Project to December 21, 2016. Carried 7-0.)

John S. Page, Director of Planning, Zoning & Building - ***Withdrawn***

b. SPECIAL EXCEPTION #28-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 316 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances

are being requested. To allow a 6 foot west side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot east side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the January 25, 2017 meeting. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building - ***Deferred to February 15, 2017, Town Council meeting***

c. SPECIAL EXCEPTION #29-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Gregory Fisher; relative to property commonly known as 320 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6 foot east side yard setback for the two story portion in lieu of the 15 foot minimum required and to allow a 6 foot west side yard setback for the one story portion in lieu of the 12.5 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the January 25, 2017 meeting. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building ***- Deferred to February 15, 2017, Town Council meeting***

d. SPECIAL EXCEPTION #30-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach (Tom Bradford, Town Manager); relative to property commonly known as 340 Seaview Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35

feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property with existing parking or Option B. Carried 4-3]

John S. Page, Director of Planning, Zoning & Building - ***Deferred to February 15, 2017, Town Council meeting***

e. SPECIAL EXCEPTION #20-2016 WITH SITE PLAN REVIEW AND VARIANCE The application of SKIK, LLC – Zvenka V. Kleinfeld, Manager; relative to property commonly known as 232 Colonial Ln., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to allow 1) the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100 foot minimum required; 82 feet in depth in lieu of the 100 foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required; 2) To have a front yard setback for one story portion of the residence to be 23 feet in lieu of the 25 foot minimum setback required. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 5-2]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of applicant's request.

Architect Pat Seagraves provided additional information.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, that Special Exception #20-2016 with Site Plan Review 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 Moore, and seconded by Council Member Zeidman, that Site Plan #20-2016 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.

(Clerk's Note: Variance removed by applicant; remaining application approved.)

f. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as 221 Oleander Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the Project to the December 28, 2016 meeting. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building - ***Deferred to January 11, 2017, Town Council meeting***

2. New Business

a. SPECIAL EXCEPTION #31-2016 The application of Costa (Sasha Bennemann, Principal); relative to property commonly known as 150 Worth Ave., Ste. 234, described as lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting a special exception approval to operate a new restaurant at 150 Worth Avenue, Suite 234, called Costa, which will replace Cooklyn (previously approved but never opened), GIGI's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,243) and have the same number of total seats (151) and outdoor seats (14) as the prior restaurants. The applicant agrees to be bound by all existing conditions of approval. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of the applicant's request.

Zoning Administrator Castro provided staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Special Exception #31-2016 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.

(Clerk's Note: The Following Item was heard after VIII.B.)

b. SPECIAL EXCEPTION #32-2016 The application of Palm Beach Bicycle Trail Shop; relative to property commonly known as 50 Cocoanut Row, Suite S117, described as lengthy legal description on file; located in the C-PC Zoning District. The Palm Beach Bicycle Trail shop requests a special exception permit to operate a 2,580 square foot retail store in Suite S117 at The Royal Poinciana Plaza. Since the proposed space exceeds 2,000 square feet, the applicant is required to obtain Town Council approval and a finding that the proposed use is town serving. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

The following ex-parte communications were declared: Council Member Lindsay had a conversation with the owner where she advocated for her position. Mayor Coniglio had a conversation with Samantha David where she advocated for her position. Mr. Pucillo had a similar conversation. Council Member Kleid spoke with Samantha David who advocated for the position of her client.

Attorney Ziska provided an overview of the applicant's request.

Alexandra Patterson provided additional details.

Mark Quinn, of the Palm Beach Bicycle Trail Shop provided additional details.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that Special Exception 33-2016 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.

(Clerk's Note: The following item was heard after VIII.B.)

c. SPECIAL EXCEPTION #33-2016 The application of Kirna Zabete Inc., a Delaware S corporation (Kirna Zabete); relative to property commonly known as 340 Royal Poinciana Way, Ste. 305, described as lengthy legal description on file; located in the C-PC Zoning District. The applicant requests a special exception permit to operate a 2,902 square foot retail store in Suite 305 at The Royal Poinciana Plaza. Since the proposed space exceeds 2,000 square feet, the applicant is required to obtain Town Council approval and a finding that the proposed use is town serving. [Attorney: Maura Ziska, Esq.]

John S. Page, Director of Planning, Zoning & Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Pucillo, Council Member Lindsay, Council Member Kleid, and Council Member Zeidman had a conversation with Samantha Davis where she advocated for her client. Ms. Zeidman also spoke with Alexandra Patterson and the owner of the store. Ms. Lindsay also spoke with the owner of the store.

Attorney Ziska provided an overview of the applicant's request.

Alexandra Patterson provided additional details.

Beth Buccini, sole owner of Kirna Zabete, provided further information.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Special Exception 33-2016 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.

d. VARIANCE #29-2016 The application of DBSC LLC (Maura Ziska, Manager); relative to property commonly known as 1610 N. Ocean Blvd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests three (3) variances for a point of measurement to allow the construction of a new 9,670 square foot two story residence. The proposed variances are for the new house to have a point of measurement at 8 feet National Geodetic Vertical Datum ("NGVD") in lieu of the 7.5 foot NGVD required and the 9.5 NGVD finished floor elevation proposed for cubic content ratio, building height and overall height. 1)The cubic content ration as measured from 8 ft NGVD would be 3.85 (94,999 cubic feet) in lieu of the 3.97 ratio (97,839 cubic feet) calculated at 7.5 feet NGVD; 2) a building height of 22 feet in lieu of the 22.25 feet if measured at 7.5 feet NGVD; 3) and an overall height of 30 feet in lieu of 30.1 feet if measured at 7.5 feet NGVD. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 6-1]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of applicant's request.

Zoning Administrator Castro stated that staff does not see hardship.

Carolee Rodebaugh of Dailey Janssen Architects provided additional information. Not trying to overbuild; just trying to elevate structure to anticipated (more stringent) future elevation standards.

Bill Bucklew, Building Official explained that this lot straddles two flood zones.

Discussion took place about flood zones and point of measurement.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, that Variance #29-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

e. VARIANCE #30-2016 The application of William F. X. Moody and Dana E. Landry; relative to property commonly known as 3 Pelican Ln., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a variance to allow the construction of a 33 square foot addition with a street side yard setback of 26.16 feet in

lieu of the 35 foot minimum required. [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmark property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of applicant's request.

Motion was made by Council Member Moore, and seconded by Council Zeidman, that Variance #30-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

f. VARIANCE #31-2016 The application of Robb R. Maass and Elizabeth Maass; relative to property commonly known as 238 Phipps Plaza, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing to enclose an existing outside stair and an open second story balcony. The variances being requested in order to allow these enclosures are: a) a north front yard setback of 6.5 feet in lieu of 25 foot minimum required; b) an east side yard setback of 0.5 feet in lieu of 10 foot minimum required; and c) a south rear yard setback of 5.3 feet in lieu of 15 foot minimum required. [Attorney: M. Timothy Hanlon, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmark property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

The following ex-parte communications were declared: Mayor Coniglio had a brief conversation with Timothy Hanlon where he advocated for the position of his client. She also spoke with homeowner. Council Member Lindsay had a conversation with homeowner. Council Member Moore had a conversation with Ms. Albarran.

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

Attorney Hanlon provided an overview of the applicant's request.

Motion was made by Council Member Lindsay, and seconded by Council Member Moore, that Variance #31-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. VARIANCE #32-2016 The application of Austin and Gwendolyn Fragomen; relative to property commonly known as 233 Clarke Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests to demolish a non-conforming landmarked two story guest house/garage (1,422 sq. ft.) and rebuild a new guest house/garage (2,460 square feet) in the same general location. The following variances are required in order to build the new guest house/garage: 1) to allow an overall height of 20.5 feet in lieu of the 15 foot maximum allowed; and 2) to allow a two story accessory building on

a lot that is under 20,000 square feet in the R-B Zoning District in lieu of the one story maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmark property. Carried 6-0]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of the applicant's request.

Architect Albarran provided additional information.

Discussion took place regarding hardship

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, that Variance #32-2016 shall be granted subject to receipt of engineering report 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. On roll call, the motion carried unanimously.

h. VARIANCE #33-2016 The application of William J. Georgas; relative to property commonly known as 357 Seabreeze Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to install a six foot (6') high wooden fence on the west property line. The following variances are being requested to construct said fence: a) to allow the wooden fence with a zero (0) setback in lieu of the three foot (3') minimum required; and b) to allow said fence without the required three foot (3') high hedge in front of the wooden fence. [Attorney: Francis X. J. Lynch, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Lynch provided an overview of applicant's request.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Variance #33-2016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met (including deed restriction). On roll call, the motion carried unanimously.

Motion approved subject to following condition: Deed Restriction – Owner must relocate fence and hedge to code required location if the Town should ever remove landscaping in the adjacent right-of way.

(Clerk's Note: Item No. XI.B., Landmark Preservation Commission Unexcused Absences was heard before the following item)

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 16-2016 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: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to adopt Ordinance No. 16-2016, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 24-2016 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 Definitions For Medical Marijuana Treatment Center, Medical Marijuana Dispensary And Cannabis Cultivation; Article VI, District Regulations, Section 134-1109, Special Exception Uses, By Prohibiting Medical Marijuana Or Providing Said Use As A Special Exception In The C-Ts Zoning District Should The State Preempt Said Prohibition; At Article VIII, Supplementary District Regulations, Section 134-1731, Outdoor Lighting, By Providing Regulations For Light Trespass; At Article VIII, Supplemental District Regulations, By Creating Division 16, “Reasonable Accommodation Procedures”, Section 134-2112, Reasonable Accommodation Procedures, By Providing For Reasonable Accommodation Procedures Pursuant To The Fair Housing Amendments Act And Title II Of The American’s With Disabilities Act; At Article VIII, Supplementary District Regulations By Creating A Division 17, “Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries”, Section 134-2113, Prohibition, And Section 2114, Development Standards, By Prohibiting Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries Marijuana Cultivation And Creating Regulations For Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries Should State Law Preempt Said Prohibition In The Town Of

Palm Beach; Division 16 Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

Zoning Administrator Castro stated that there was a modification made at last month's meeting. It will read "(19) Medical marijuana treatment centers and medical marijuana dispensaries are prohibited; however, should State Law preempt said prohibition, said uses shall be permitted subject to the requirements in Section 134-2113 through 134-2114 of this chapter."

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, to approve Ordinance No. 24-2016, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 25-2016 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*, At Article I, In General, By Adding Section 106-5 Use Of Medical Marijuana On Public And Semi-Public Property, Prohibiting The Smoking Of Marijuana On Rights-Of-Way, Parks, Playgrounds, Recreational Facilities, Public Buildings, Beaches Or Other Property Owned And Controlled By The Town Of Palm Beach; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

Motion was made by Council member Zeidman, and seconded by Council Member Lindsay, to approve Ordinance No. 25-2016, on first reading. On roll call, the motion carried unanimously.

(Clerk's Note: The following item was heard after Item VII., Approval of Agenda)

XI. ANY OTHER MATTERS

A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning, and the Town's Comprehensive Plan

John S. Page, Director of Planning, Zoning & Building

Director Page explained that at the November Planning & Zoning Commission meeting there were three items resolved at the Commission level and recommended for approval by the Town Council specific to the Royal Poinciana Plaza.

1. Proposed zoning code modifications submitted by RPP Palm Beach Property, LP, to change the Town-serving threshold requirement from 2,000 to 3,000 square feet gross leasable area in the C-PC commercial zoning district (a.k.a. Royal Poinciana Plaza).
2. Proposed comprehensive plan text amendment submitted in an application by RPP Palm Beach Property, LP, to change the Town-serving threshold from 2,000 to 3,000 square feet gross leasable area for the C-PC zoning district within the Commercial

Land Use Category.

Zoning Administrator Castro provided a history of Royal Poinciana Plaza.

Simon Taylor, 234 Oleander Avenue, President of PB Theater Guild, does not oppose outdoor dining or 3,000 square feet. He advocated for Town Council approval of outdoor dining in every instance – not just staff review. There should be an affidavit on further development possibilities. All progress in opening the playhouse has arisen from pressure from the Town Council and pressure from Town residents. He suggested that each time a request like this is made the Town Council should ask about progress in opening the playhouse. The plaza is a critical part of the livelihood and preservation of town.

3. Proposed zoning code modifications submitted in an application by RPP Palm Beach Property, LP, to allow outdoor seating as a special exception use in the C-PC zoning district (a.k.a. Royal Poinciana Plaza).

Motion was made by Council Member Kleid, and seconded by Council Member Lindsay, to direct the staff to prepare ordinances for first reading (as indicated immediately above). On roll call, the motion carried unanimously.

Richard Cannone of Calvin Giordano & Associates, addressed the Evaluation and Appraisal Report amendments within the Town's Comprehensive Plan. State requires that the Plan be reviewed every seven years. The process is composed of two items: 1) comprehensive plan being consistent with any changes in State statutes and 2) any changes within the community itself. The Town directed a letter to the State in March, 2016 identifying intended Plan updates, including peril of flood (i.e. sea level rise) strengthened policies to preserve the Town's character, creation of new policies to address development impacts from neighboring municipalities, energy planning, water conservation and safe neighborhoods. This was presented to the Planning & Zoning Commission in September, 2016. Two public hearings were held in October and November. The Commission unanimously recommended Plan updates to the Council.

Presentation highlighted some of the major changes for each element and recommendations from Planning & Zoning Commission.

Several questions were asked about safe neighborhood districts. The Town Manager explained that Neighborhood Improvement Districts are optional, not mandatory, and are a potential tool for analyzing Property owner associations, physical amendments to neighborhoods to enhance public safety, closure of roads subject to approval of local government, etc. Governing body would be the Town Council. Mr. Klein, Chairman of the Planning & Zoning Commission, stated that the Comprehensive Plan is strengthened not weakened.

Anita Seltzer, Cocoanut Row, asked for clarification on how the hearing will be conducted.

Mr. Cannone continued with recommendations that follow:

Future Land Use Element. Discussion focused on submerged land and Palm Beach County environmental projects. There is a process in place for Palm Beach to object to

any amendments that further intensify the use of the Lake Worth Lagoon. Similarly, policies have been added addressing concerns about land use intensification and resulting infrastructure demands in West Palm Beach and Lake Worth that may impact the Island. The Town does not have jurisdiction or power to stop projects in neighboring communities, other than to intercede as an objector.

Town Manager Bradford asked if the Council wants to allow the county to use fill to build islands. Palm Beach County regularly attempts to fill and build up islands for ecological benefit in the Intracoastal Waterway.

Mr. Pucillo suggested that a closer look be taken on what exactly has been done in the last few years, including the justification for work near the Par-3 golf course.

Transportation Element. Updates noted.

Housing Element, Infrastructure, Coastal Management, Intergovernmental Elements. Updates noted.

Recreation and Open Space: Updated parks and recreation facilities information; added level of service based on current/projected population data; added policies related to redevelopment of Seaview Park.

Capital Improvement Element: Update of 5-year CIP Tables that were recently adopted. Elimination of information regarding public school facility and concurrency and updated level of service for portable and sanitary wastewater.

Historic Preservation Element: Updated information about current number of historic properties surveyed within the town as well as updated information regarding archeological sites based upon the Town's new ordinance.

Public Safety Element: New element with goal of creating and promoting health, safety and security for the Town's residents.

Once the council goes through the document and decides that the document is ready to move forward, an ordinance would be drafted. First reading of ordinance is intended by April, then transmitted to DEO.

Julie Araskog suggested setting a time certain next month.

Anita Seltzer addressed revisions. Staff responded it is not necessary to return the Plan to the Planning & Zoning Commission.

Mr. Page stated that the Comprehensive Plan is on the Town website. As changes are made, they will be made on the website.

(Clerk's Note: The Town Council recessed at 11:40 a.m., and reconvened at 11:50)

Motion was made to defer proposed Evaluation and Appraisal Report of the Town's Comprehensive Plan until January 11, 2017.

(Clerk's Note: The following item was heard after Item No. IX.h., Variance 33-2016)

B. Landmark Preservation Commission Unexcused Absences

John S. Page, Director of Planning, Zoning & Building

Nikita Zukov, 130 Sunrise Avenue, provided an overview of his request.

Discussion took place on the unusual circumstance and Mr. Zukov's many years of service.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, that Mr. Zukov's appeal be accepted. On roll call, the motion carried unanimously.

Mr. Gannon's request was withdrawn due to his resignation.

C. Appointments to the Shore Protection Board

Thomas G. Bradford, Town Manager

Town Manager Bradford provided an overview of the Shore Protection Board. In 2008 it was thought that this board would be temporary. Therefore, term limits were not put into effect. Mr. Bradford suggested terms limits are necessary.

Discussion took place about how to go about this.

Motion was made by Council Member Moore, and seconded by Council President Pucillo, that the Town will advertise for two alternate members for the Shore Protection Board immediately. On roll call, the motion carried unanimously.

Motion was made by Council President Pucillo, and seconded by Council Member Zeidman, to impose term limits which will commence for the two incumbents at the conclusion of their next term: they cannot reapply. Term limits begin for the two incumbents whose terms expire and whoever else may apply in 2017; would be limited **to one 2-year term. In 2018, all applicants would be subject to term limits effective immediately. Alternates will be subject to term limits described: two 3-year terms**

On roll call, the motion carried 4-1, with Council Member Lindsay dissenting.

D. Palm House Abatement

John C. Randolph, Town Attorney

Mr. Randolph described a problem with the motion made with regard to abating fine confines receiver in that the receiver is going to have accessibility to funds as opposed to other people who have interests other than the Town in getting the $2 million. One of the motion details was to abate the fines to allow for public safety improvements to be made. The receiver would like it to be broader than that. The motion also included the abatement would only last for a period of 120 days or until the improvements are made, whichever comes first. This tied the hands of the receiver with regard to the argument he wanted to make to the judge and that was that the Council has agreed to abate these fines as long as the funds are being used for the improvement of the Palm House or for the purpose that the receiver was appointed.

Attorney Gregg Glickstein requested that the fine motion be made as follows: "*In an effort to secure the funds for purpose of the receivership, the receiver seeks*

an abatement of the fine currently being assessed against the Palm House property for an initial term (120 days suggested by Attorney Randolph) with possible extension conditioned on utilization of the funds for purposes consistent with the receivership order as it may be amended and to reimburse Palm House Hotel for its funding of the receivership to the date under the receivership order."

Mr. Glickstein wants to make sure that the abatement continues as long as it is in compliance with what the receivership is intending to do with regard to the Palm House.

As Mr. Glickstein was not present, a phone call was made to him and discussion ensured regarding clarification of abatement.

Motion was made by Council President Pro Tem Kleid, and seconded by Council President Pucillo, to modify the previous motion to reflect the fine will abate immediately contingent upon the utilization of funds consistent with the receivership order. If funds are used inconsistent with the receivership order, the fines will revert retroactive to December 14, 2016. This abatement will be for a period of 120 days. An extension may be sought. On roll call, the motion carried unanimously.

XII. ADJOURNMENT

There being no further business, the December 14, 2016 regular Town Council meeting was adjourned at 3:09 p.m.

MINUTES OF THE TOWN COUNCIL MEETING
HELD ON WEDNESDAY, JANUARY 11, 2017

I. CALL TO ORDER AND ROLL CALL

The Town Council meeting was called to order on Wednesday, January 11, 2017 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 Pucillo led the Pledge of Allegiance.

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO - none

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Mr. Pucillo reflected on his service on the Town Council and thanked Town staff for the work that they do.

VI. COMMUNICATIONS FROM CITIZENS

Anita Seltzer, 44 Cocoanut Row, spoke about agenda item backup procedures.

David Grand, 226 Kenlyn Road, spoke about noise concerns from staging area for undergrounding project location, which is immediately behind his home. Council President Pucillo spoke about details of the long term project and asked Planning, Zoning & Building Director Page to put Mr. Grand in touch with Director of Public Works, Paul Brazil.

VII. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the February 15, 2017, Town Council meeting:

- Item No. IX.B.1.a., Variance #25-2016.
- Item No. IX.B.2.b., Variance 1-2017.
- Item No. IX.B.2.c., Variance 2-2017.

DEFERRALS: The following items were deferred to the March 15, 2017, Town Council meeting:

- Item No. IX.B.2.a., Special Exception #1-2017 With Site Plan Review and Variances.

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

VIII. PUBLIC HEARINGS

A. Resolution No 05-2017 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 **201 El Brillo** Way Meets The Criteria Set Forth In Ordinance No. 2- 84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.
John S. Page, Director of Planning, Zoning & Building

Director Page provided details of the property.

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

No ex-parte communications were declared.

Landmark Consultant, Janet Murphy of Murphy Stillings, LLC, provided further detail on the property.

Motion made by Council Member Kleid, and seconded by Council Member Moore, that the designation report become part of the record. On roll call, the motion carried unanimously.

Motion made by Council Member Moore, and seconded by Council Member Lindsay, to approve Resolution No. 05-2017. On roll call, the motion carried unanimously.

B. Resolution No. 06-2017 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 **130 Chilean Avenue** 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.

John S. Page, Director of Planning, Zoning & Building

Mr. Page provided details of the property.

No ex-parte communications were declared.

Landmark Consultant, Emily Stillings of Murphy Stillings, LLC, provided further detail on the property.

Motion made by Council Member Zeidman, and seconded by Council Member Moore, that the designation report be made part of the record. On roll call, the motion carried unanimously.

Motion made by Council Member Moore, and seconded by Council Member Zeidman, to approve Resolution No. 06-2017 for the entire property. On roll call, the motion carried unanimously.

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for One Year Time Extension, Site Plan Review No. 1-2016 with Special Exception, Palm House Hotel, 160 Royal Palm Way

Attorney, Jackie Miller, of Broad and Cassel, on behalf of Cary Glickstein, Receiver, provided an overview.

Cary Glickstein, Receiver, provided additional information.

Discussion ensued on the status of the Palm House.

Motion made by Council Member Kleid, and seconded by Council Member Zeidman, to approve 12-month time extension as requested.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. VARIANCE #25-2016 The application of Maura Ziska, Manager of Barnacle PB LLC; relative to property commonly known as **221 Oleander Ave**., described as lengthy legal description on file; located in the R-C Zoning District. The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building – ***Deferred to February 15, 2017, Town Council meeting***

2. New Business

a. SPECIAL EXCEPTION #1-2017 WITH SITE PLAN REVIEW AND VARIANCE The application of Robert A. Toohey; relative to property commonly known as **319 Seaspray Ave**., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a special exception with site plan review to allow the construction of 3,981 square foot, two-story single family residence on three platted lots which combined creates a lot that is 75 feet in width in lieu of the 100-foot minimum required and 9,187 square feet in area in lieu of the 10,000 square foot minimum required. The applicant is also requesting a variance to allow construction of a new residence on a lot that is 75 feet in width which will have a one-car garage in lieu of the two-car garage required for lots 75 feet or more in width. [Attorney: Maura Ziska, Esq.] [Architectural Commission

Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1]

John S. Page, Director of Planning, Zoning & Building - ***Deferred to March 15, 2017 Town Council meeting***

b. VARIANCE #1-2017 The application of Rosemin Stanoytchev; relative to property commonly known as **157 Peruvian Ave**., described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to build a two-story, 3,911 square foot (including the garage) single-family residence on a lot with an area of 6,250 square feet, in lieu of the 10,000 square foot minimum required, and a lot width of 50 feet, in lieu of the 75 foot minimum required. [Attorney: David E. Klein, Esq.] [Architectural Commission deferred the project to its January 25, 2017 meeting.]

John S. Page, Director of Planning, Zoning & Building - ***Deferred to February 15, 2017, Town Council meeting***

c. VARIANCE #2-2017 The application of Glen Dubin; relative to property commonly known as **1090 N. Lake Way**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to install a 10.75 foot tall sculpture in their backyard which would have a 11.08 foot setback in lieu of the 25 foot minimum setback required for structures over 4 feet tall on properties abutting the Lake Trail. [Attorney: Maura Ziska, Esq.] [Architectural Commission deferred the project to its January 25, 2017 meeting.]

John S. Page, Director of Planning, Zoning & Building – ***Deferred to February 15, 2017, Town Council meeting***

d. VARIANCE #3-2017 The application of Mark and Nancy Gilbert; relative to property commonly known as **323 Chilean Ave**., described as lengthy legal description on file; located in the R-C Zoning District. The subject property is a Palm Beach Historic Landmark designed and built in 1924. The existing finished floor is at 5.25 NGVD and the property currently does not have a garage. The applicant is proposing to lift the house to meet the FEMA requirement of 7.5 NGVD and construct a 60.26 square foot addition to create a new 2 car garage that will have a 7.28 foot west side yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked property. Carried 7-0]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of applicant's request.

Architect Jackie Alberran provided additional details on the project.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued after requiring structural engineering report.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Variance #3-2017 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the condition that there be a structural engineering report that is acceptable to Planning, Zoning & Building prior to issuance of the building permit. On roll call, the motion carried unanimously.

e. VARIANCE #4-2017 The application of Kevin and Lisa McGovern; relative to property commonly known as **224 S. Ocean Blvd**., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a new 446 square foot, one story detached, one car garage which would require the following variances: 1) a street side yard setback of 12.5 feet in lieu of the 18 foot minimum required for a corner lot and 2) a cubic content ratio ("CCR") of 6.16 in lieu of the 5.82 existing and the 3.94 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1]

John S. Page, Director of Planning, Zoning & Building

No ex-parte communications were declared.

Attorney Ziska provided an overview of applicant's request.

Architect Michael Perry provided additional details on the project.

Discussion ensured regarding cubic content.

Motion was made by Council Member Zeidman, and seconded by Council Lindsay, that Variance #4-2017 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 24-2016 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 Definitions For Medical Marijuana Treatment Center, Medical Marijuana Dispensary And Cannabis Cultivation; Article VI, District Regulations, Section 134-1109, Special Exception Uses, By Prohibiting Medical Marijuana Or Providing Said Use As A Special Exception In The C-Ts Zoning District Should The State Preempt Said Prohibition; At Article VIII, Supplementary District Regulations, Section 134-1731, Outdoor Lighting, By Providing Regulations For Light Trespass; At Article VIII, Supplemental District Regulations, By Creating Division 16, "Reasonable Accommodation Procedures", Section 134-2112, Reasonable Accommodation Procedures, By Providing For Reasonable Accommodation Procedures Pursuant To The Fair Housing Amendments

Act And Title II Of The American's With Disabilities Act; At Article VIII, Supplementary District Regulations By Creating A Division 17, "Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries", Section 134-2113, Prohibition, And Section 2114, Development Standards, By Prohibiting Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries Marijuana Cultivation And Creating Regulations For Medical Marijuana Treatment Centers And Medical Marijuana Dispensaries Should State Law Preempt Said Prohibition In The Town Of Palm Beach; Division 16 Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve Ordinance No. 24-2016, on second and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 25-2016 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*, At Article I, In General, By Adding Section 106-5 Use Of Medical Marijuana On Public And Semi-Public Property, Prohibiting The Smoking Of Marijuana On Rights-Of-Way, Parks, Playgrounds, Recreational Facilities, Public Buildings, Beaches Or Other Property Owned And Controlled By The Town Of Palm Beach; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

Motion was made by Council member Moore, and seconded by Council Member Lindsay, to approve Ordinance No. 25-2016, on second and final reading. On roll call, the motion carried unanimously.

(Clerk's Note: Attorney Randolph reported that for the following three Ordinances, there must be an agreement in place, which is suitable to the Town, that the passage of these ordinances will not be considered a waiver of the 1979 Ordinance and it will not be considered by the owner as approval for further development opportunities as described under the 1979 Agreement. That is a condition of adoption. Document will be finalized before second reading.)

B. First Reading

1. ORDINANCE NO. 1-2017 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 VI, District Regulations, Section 134-1259, Special Exception Uses, By Allowing Outdoor Seating As A Special Exception Use In The C-PC Zoning District; Renumbering Existing Section 134-1260 And Subsequent Sections, And Creating A New Section 134-1260 In The C-PC Zoning District Titled "Stands, Seating Dining Area And Open Counters For Eating And Drinking"; Providing For Severability; Providing

For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Ordinance 1-2017, on first reading with condition that this is not considered as a waiver of the 1979 Agreement and that the Agreement be signed to the Town's satisfaction prior to second reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 2-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach's Comprehensive Plan By Amending Policy 2.3.1 By Changing The Town-Serving Threshold Requirement For Businesses Within The Commercial Planned Center (C-PC) Zoning District From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building

Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to approve Ordinance 2-2017, on first reading with condition that this is not considered as a waiver of the 1979 Agreement and that the Agreement be signed to the Town's satisfaction prior to second reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 3-2017 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 VI, District Regulations, By Modifying Sections 134-1257, Permitted Uses And 134-1259, Special Exception Uses In The C-PC Zoning District, To Increase The Maximum Gross Leasable Area Of Commercial Uses To Demonstrate Town-Serving From 2,000 Square Feet Gross Leasable Area To 3,000 Square Feet Gross Leasable Area; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
John S. Page, Director of Planning, Zoning & Building

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to approve Ordinance 3-2017, on first reading with condition that this is not considered as a waiver of the 1979 Agreement and that the Agreement be signed to the Town's satisfaction prior to second reading. On roll call, the motion carried unanimously.

(Clerk's Note: Attorney Randolph provided update on Closed Door Session which took place on January 10, 2017, regarding Coalition of Immokalee Worker's Inc., vs. Town of Palm Beach. Still pending was an issue relating to the award of attorney's fees and costs. The authorities have agreed to accept the Report and Recommendation issued by the magistrate. The stipulation is being prepared

whereby both sides will accept the Report and Recommendation without objection and a final judgement will be entered by the court following the finding in the Report and Recommendation.)

Motion was made by Council member Kleid, and seconded by Council Member Lindsay, to approve the settlement described above.

XI. ANY OTHER MATTERS

A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning, and the Town's Comprehensive Plan (TIME CERTAIN 11:00)

John S. Page, Director of Planning, Zoning & Building

Director Page, provided background of Comprehensive Plan.

Richard Cannone of Calvin Giordano & Associates, presented revisions to Comprehensive Plan.

Anne Pepper, 333 Seaspray Avenue, questioned the necessity for including a notation regarding “current trends” in the Housing Element.

Discussion on “current trends” and clarity of plan ensued.

Anita Seltzer, 44 Cocoanut Row, pointed out inconsistencies, asked Council to review her letter of January 2, 2017, and advocated for more detailed Council review.

Consensus to bring Comprehensive Plan back next month to review further changes and updates.

Director Page stated that direction from Town Council was not to throw old Comprehensive Plan out, but to continue to hold on to founding principles and to update information. The Town has been transparent throughout this process. There may be additional fees due to Calvin Giordano if the consultant is asked to attend additional meetings.

B. Stop Work Order Under 3-Strike Rule – 232 Emerald Lane
John S. Page, Director of Planning, Zoning & Building

Director Page provided an overview of the property.

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

Roy Dunworth, Dunworth Construction and Development provided additional information on the project.

Assistant Director Veronica Close, explained the difference between right-of-way permits and construction parking permits.

Dr. Klein, 225 Emerald Lane, spoke about conditions on Emerald Lane and requested that the penalties of non-compliance be enforced.

Motion was made by Council Member Kleid, and seconded by Council Member Pucillo, to remove (lift) the Stop Work Order subject to all recommended staff conditions (see Memo

of January 3, 3017). In addition, Council asked that Code Enforcement check for parking compliance on a daily basis. On roll call, the motion carried unanimously.

XII. ADJOURNMENT

There being no further business, the January 11, 2017, regular Town Council meeting was adjourned at 12:30 p.m.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Commission at its Meeting on January 25, 2017.

Presenter
John S. Page, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated January 27, 2017 from John S. Page, Director of Planning, Zoning and Building**
- **ARCOM Meeting Minutes of January 25, 2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of January 25, 2017

Date: January 27, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of January 25, 2017.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of January 25, 2017.

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

JSP:kmc

TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, JANUARY 25, 2017

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

The meeting was called to order at 9:00 a.m. by Mr. Sammons.

II. ROLL CALL

Richard Sammons, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Peter I. C. Knowles, Member	PRESENT
Martin D. Gruss, Member	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Michael B. Small, Member	PRESENT
Maisie Grace, Alternate Member	PRESENT
John David Corey, Alternate Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT

Staff Members present were:
John Page, Director of Planning, Zoning & Building
John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator
Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Mr. Sammons led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE DECEMBER 28, 2016 MEETING

Motion made by Mr. Gruss and seconded by Mr. Garrison to approve the minutes from the December 28, 2016 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Mrs. Vanneck requested to defer the following four projects to the February 22, 2017 meeting: B-059-2016, 221 Oleander Avenue, B-066-2016, 340 Seaview Avenue, B-002-2017, 256 Fairview Road and B-008-2017, 235 Via Vizcaya. She also stated that project B-063-2016, 130 Dolphin Road has been withdrawn from the agenda.

Mr. Lindgren also stated that a deferral request to the February 22, 2017 meeting has been made for the project B-078-2016, 157 Peruvian Avenue.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to approve the amended agenda. Motion carried with all in favor.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

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

Mr. Lindgren stated that three new, combination projects were not noticed properly and would not be able to have any ruling on the architecture. Mr. Lindgren told the Commissioners that two of the properties could have a recommendation to the Town Council on the variances. Some discussion continued on this issue.

VII. PROJECT REVIEW

A. MAJOR PROJECTS-OLD BUSINESS

B-044-2016 Demolition/New Residence

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE - Done 11/30/16
Address: 232 Colonial Ln.
Applicant: SKIK, LLC (Zvenka Kleinfeld, Manager)
Architect: Patrick Segraves/SKA Architect + Planner
Landscape Architect: Don Skowron
Project Description: Demolition of existing one-story home. New two-story Island Style home to be approximately 2,800 square feet. Home will consist of living room, dining room, kitchen, four bedrooms, four and one half bathrooms, and a one car garage.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE INFORMATION: The applicant is requesting a special exception with site plan review to allow the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100-foot minimum required; 82 feet in depth in lieu of the 100-foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required. The applicant is requesting a variance to have a front yard setback for one story portion of the residence at 23 feet in lieu of the 25-foot minimum setback required.

At the July meeting, a motion carried to approve the demolition. A second motion carried to defer the architecture for one month to the August meeting. At the August meeting, a motion carried to defer the project for one month to the September meeting. At the September meeting, a motion carried to defer the project to the November meeting. At the November meeting, a motion carried that the implementation of the proposed special exception, site plan and variance would not cause negative architectural impact to the subject property. A second motion carried to approve the project as presented with the

caveat that the columns on the front are changed, the front door is changed to a 6'8" door, the windows on the bottom floor are raised, the clapboard is lowered to the bottom of the plate, the balcony is lowered and to defer the landscaping for one month to the December 28, 2016 meeting. At the December meeting, a motion carried to defer the project for one month to the January 25, 2017 meeting.

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

Mr. Segraves stated that the architecture was approved in November with a few changes. He presented new elevations that included the changes that had been made and stated he is seeking approval for the landscaping today plus an approval for a 7' or 6'10" door rather than the 6"8" door that was approved since the owner is 6'6". Mr. Sammons stated that a 7' door is fine.

Mr. Skowron presented the new landscaping plan that included the three changes that were requested by the Commissioners at the meeting in December, which included a canopy tree in the front, vines against the wall and an additional banana tree in the rear of the property. Mr. Skowron presented elevations of the proposed changes.

Mrs. Vanneck inquired about the height of the Sea Grapes. Mr. Skowron stated that they are between 12'-15'. Mrs. Vanneck asked if they would be left to grow taller. Mr. Skowron stated that he would.

Motion by Mrs. Vanneck and seconded by Mr. Ives to approve the project as presented with a 7-foot door and that the canopy trees be allowed to grow into a shade tree. Motion carried with all in favor.

B-050-2016 Additions/Modifications

Address: 2300 Ibis Isle Rd. West
Applicant: Rob and Sue Bushman
Architect: Miklos Architecture
Landscape Architect: Carol Perez/A. Grant Thornbrough Landscape Architecture
Project Description: 1) Re-configure existing driveway and front property line pilaster layout; 2) add two driveway gates; 3) replace existing flat cement tile roof with new flat cement tile roof; 4) bedroom, covered front entry and rear covered pavilion additions; 5) existing pool and spa shape slightly reconfigured; 6) existing landscaping adjusted and augmented.

At the August meeting, a motion carried to defer the project to the September meeting. At the September meeting, a deferral request was granted to the October meeting. At the October meeting, a deferral request was granted to the November meeting. At the November meeting, a motion carried to defer the project for restudy to the December 28, 2016 meeting paying close attention to the comments from the chairman as well as removal of the fence, a restudy of the driveway material, and to return with a new gate plan if necessary. At the December meeting, a motion carried to defer the architecture and landscaping to the January 25, 2017 meeting.

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

Mr. Miklos presented the proposed changes to the project. He stated the roof would now match the existing roof tiles. He showed the Commissioners a sample of the roof tile.

Mr. Sammons asked Mr. Miklos about the beam and column sizes in the pavilion. After some discussion, it was decided that Mr. Miklos would use an 8-inch beam and a 12-inch column in the pavilion.

Ms. Perez presented the proposed landscape and hardscape for the project. She presented hardscape samples for the Commissioners.

Some Commissioners were in favor of the gravel samples and thought they went well with the home. Many were in favor of the changes to the architecture as well.

Motion by Mr. Garrison and second by Mrs. Vanneck to approve the project as presented using the 12 inch columns on the pavilion. Motion carried with all in favor.

B-059-2016 Demolition/New Residence
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S) - Done 12/28/16
Address: 221 Oleander Ave.
Applicant: Barnacle PB LLC
Architect: Michael J. Johnson Architect, P.A.
Project Description: Demolition of existing 2 story building and construction of a new 2-story single family residence. New hardscape and landscape.

VARIANCE INFORMATION: The applicant requests a variance to allow construction of a new 2,930 square foot, two story residence on a lot with a depth of 56 feet in lieu of the 100 foot minimum required and a lot area of 4,200 square feet in lieu of the 10,000 square foot minimum; a variance to allow lot coverage to be 41.6% in lieu of the 30% maximum allowed; a variance to allow a front yard setback to be 13.5 feet in lieu of the 25 foot minimum; and a variance to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required.

At the October meeting, a motion carried to approve the demolition. A second motion carried to defer the project for one month for restudy to the November 30, 2016 meeting. At the November meeting, a motion carried to defer the project for restudy to the December 28, 2016 meeting paying close attention to the comments from the chairman. At the December meeting, a motion carried that the implementation of the proposed variance will not cause negative architectural impact to the subject property. A second motion carried to approve the architectural portion of the project as submitted. A third motion carried to defer the landscaping to the January 25, 2017 meeting.

Please note: This discussion item was deferred to the February 22, 2017 meeting at the Approval of the Agenda, Item V.

B-063-2016 Demolition/New Residence

Address: 130 Dolphin Rd.
Applicant: 130 Dolphin Rd LLC
Architect: Michael J. Johnson Architect P.A.
Project Description: Demolition of existing structure. New 2-story residence. Updated cottage style. White stucco finish with black trim and grey cement tile roof. New landscape and hardscape.

At the October meeting, a motion carried to defer the project for one month for a complete restudy to the November 30, 2016 meeting. At the November meeting, a one-month deferral was granted at the request of the architect. At the December meeting, a one-month deferral was granted at the request of the architect.

Please note: This discussion item was withdrawn at the Approval of the Agenda, Item V.

B-064-2016 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 316 Seabreeze Ave.
Applicant: Mr. & Mrs. Gregory Fisher
Architect: Patrick Segraves, SKA Architect + Planner
Project Description: Demolition of existing house and new construction of 2,800 square foot Mediterranean Revival two-story home. Home will consist of three bedrooms and two and one half baths with living room, dining room and kitchen. Final landscape/hardscape to be included.

VARIANCE INFORMATION: The applicant is requesting a special exception with site plan review to allow the construction of a 2,700 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100-foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6-foot west side yard setback for the two story portion in lieu of the 15-foot minimum required and to allow a 6-foot east side yard setback for the one story portion in lieu of the 12.5-foot minimum required.

At the October meeting, a motion carried to approve the demolition. A second motion carried to defer the architectural presentation of the new construction to the November 30, 2016 meeting. At the November meeting, a motion carried to defer the project to the January 25, 2017 meeting for significant redesign.

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

Mr. Segraves began the presentation by showing the Commissioners an outline of the new homes over laid on the existing homes. Mr. Segraves explained all of the proposed setbacks at the request of a Commissioner. Mr. Segraves then presented the proposed changes of both of the homes for 316 and 320 Seabreeze Avenue. He presented a streetscape, colored renderings of each home, elevations, floor plans, detailed sheets, and roof details. He indicated that the styles of the homes are now different, a British West Indies style for 320 Seabreeze Avenue and a Mediterranean Revival style for 316 Seabreeze Avenue.

One of the Commissioners asked if the properties would have a unity of title. Mr. Segraves said they would not.

Commissioners Comments: One comment was made that the appearance of the doors on the second floor were overly tall and contribute to the height of the building. There was a concern expressed about a gate connecting both buildings and whether that was allowed. Some discussion continued on this topic. Some of the members felt the houses looked too similar and needed more variation. There was a recommendation to explore more of the British West Indies style at 320 Seabreeze Avenue. Some members were in favor of the current designs. There was a comment that the doors on the front were top heavy. There was another comment to add more fun and details to the British West Indies home design. There was a concern about the setbacks between the two proposed homes as well as the neighboring home to 320 Seabreeze Avenue. There was a strong concern about the location of the A/C units between the two homes. There was a comment that there are too many doors on the front of the homes. A comment was made that the rendering of the landscaping at 316 Seabreeze Avenue incorrectly showed an existing tree and that the tree was much taller. There was a suggestion to restudy the front door surround on 316 Seabreeze Avenue. There was a comment that the south side doors would not open due to the railings and they should be changed to windows. A suggestion was made to lower the eave height and to restudy the windows on the front and back of the home. A suggestion was made that the doors on the second floor are too tall.

Danielle Moore, 277 Pendleton Ave., told the Commissioners about a landscaping condition that was placed upon her two adjacent properties, should one be sold.

Motion made by Mrs. Vanneck and second by Mr. Ives to defer the project at 316 Seabreeze Avenue to February for restudy.

Mr. Garrison questioned the possibility of adding a caveat to the motion about adding a landscape buffer in the event that the property is sold. Maura Ziska, Attorney for owner, addressed this question.

Mr. Skowron asked if the landscape could be presented. Mrs. Vanneck stated that she was in favor of the landscape plan for 316 Seabreeze Avenue but had suggestions for 320 Seabreeze Avenue.

Dorothy Martin, 312 Seabreeze Avenue, asked about the possibility of a wall addition between her property and 316 Seabreeze Avenue. She also stated her concern about the coconut palms that are proposed and the possibility of palm fronds blowing onto her property.

Mrs. Vanneck asked Mr. Skowron about the proposed coconut palms and suggested using traveller's palms instead.

Motion carried with all in favor.

B-065-2016 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 320 Seabreeze Ave.
Applicant: Mr. & Mrs. Gregory Fisher
Architect: Patrick Segraves, SKA Architect + Planner
Project Description: Demolition of existing house and new construction of 2,800 square foot Mediterranean Revival two-story home. Home will consist of three bedrooms and two and one half baths with living room, dining room and kitchen. Final landscape/hardscape to be included.

VARIANCE INFORMATION: The applicant is requesting for approval of a special exception with site plan review to allow the construction of a 2,713 square foot two-story, single family residence on two platted lots which combined creates a lot that is 50 feet in width in lieu of the 100-foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum area required. The following variances are being requested. To allow a 6-foot east side yard setback for the two story portion in lieu of the 15-foot minimum required and to allow a 6-foot west side yard setback for the one story portion in lieu of the 12.5-foot minimum required.

At the October meeting, a motion carried to approve the demolition. A second motion carried to defer the architectural presentation of the new construction to the November 30, 2016 meeting. At the November meeting, a motion carried to defer the project to the January 25, 2017 meeting for significant redesign.

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

Mr. Segraves presented the proposed site plan, floor plan, color renderings and elevations and discussed the British West Indies style.

Commissioners Comments: There was a comment that the doors were too tall and the entry portico seems overly large and heavy. One comment was made that questioned the color of the proposed roof. Another comment was made that living room/grand room seems too long and disproportionate to the rest of the house. Another member thought that the single story set back was too close to the property line and that the front of the house looks like the back of the house. The same Commissioner thought that the fenestration was excessive on this home. There was a concern that the doors on the front of the house look onto a driveway and need to be restudied. A suggestion was made to restudy the lighting. There was a suggestion to restudy the overhang on the entry.

Commissioners Comments on the landscaping: There was a comment made about the Ylang Ylang tree versus having a shade tree. There was also a comment that the rendering of the west elevation showed a larger hedge than what was proposed. Another suggestion was made to screen the two windows on the second floor on the west elevation. Another member concurred that a shade tree should be added in the front of the property.

One Commissioner made a suggestion to bring in samples of all of the proposed materials to be used on both homes.

Motion made by Mrs. Vanneck and second by Mr. Small to defer the project at 320 Seabreeze Avenue to February. Motion carried with all in favor.

At this time a short break was taken at 10:25 a.m. The meeting resumed at 10:38 a.m.

B-066-2016 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S) - Done 11/30/16
Address: 340 Seaview Ave.
Applicant: Town of Palm Beach (Tom Bradford, Town Manager)
Architect: Stephen Boruff, AIA Architects + Planners, Inc.
Landscape Architect: Nievera Williams Design
Project Description: Demolition of the existing one-story recreation center, maintenance building, pro shop, tennis hitting wall & backstop and the construction of a new two-story, community center & gymnasium, new maintenance building and a new tennis observation pavilion with attached tennis hitting wall & maintenance yard and associated site work including a new elevated plaza, numerous new stairs and ramps, new playground area and the renovation and expansion of on-site parking.

VARIANCE INFORMATION: The applicant is requesting a special exception with site plan review to approval to allow a new two-story 33,810 square foot Recreation Center for the Town of Palm Beach that will include a new athletic field, parking lot, gymnasium, tennis pro shop, multi-purpose room, fitness center with locker rooms, concession area, classrooms, offices and new maintenance building, new tennis backboard, new scoreboard. A second special exception request is to allow for a rebound wall to be constructed on the north side of the new maintenance building. The following variances are being requested in order to construct the new community center: 1) A west side yard setback of 10 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 2) A north side yard setback of 8 feet in lieu of the 30 foot minimum required for properties that are in excess of 20,000 square feet; 3) A street rear yard setback for the new parking lot on Royal Palm Way of 4 feet in lieu of the 35 foot minimum required for properties that are in excess of 20,000 square feet; 4) an east side yard setback of 4 feet in lieu of the 30 foot minimum required for the new parking lot on Royal Palm Way for properties that are in excess of 20,000 square feet; 5) a height of 27 feet in lieu of the 22 foot maximum allowed; 6) an overall height of 35 feet in lieu of the 30 foot maximum allowed; 7) a vertical distance to the top of beam of 30.75 feet in lieu of the 26 foot maximum distance allowed from the crown of street to top of beam; 8) landscaped open space of 43% in lieu of the 55% minimum required for properties that are in excess of 20,000 square feet; 9) parking lot interior landscaped open space of 5% in lieu of the 10% minimum required; 10) to allow signage on the proposed scoreboard which would exceed the maximum signage allowed (of one for each street frontage); 11) to allow three (3) air-conditioning units to be on the roof that is in excess of the 4 foot maximum allowed. The proposed A/C units will be 5 feet tall plus the height of the stand.

At the October meeting, a motion carried to approve the demolition. A second motion carried to defer the project for restudy, with particular attention to reducing the mass and addressing the elimination of the north field for one month to the November 30, 2016 meeting. At the November meeting, a motion carried that the implantation of the proposed variances will not cause negative architectural impact to the subject property with the existing parking or parking option B. A second motion carried to defer the project for one month for restudy to December 28, 2016. At the December meeting, a motion carried to defer the project for one-month to the January 25, 2017 meeting at the request of the applicant.

Please note: This discussion item was deferred to the February 22, 2017 meeting at the Approval of the Agenda, Item V.

B-071-2016 Sculpture
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 1090 N. Lake Way
Applicant: 1090 North Lake Way LLC
Architect: Kirchhoff & Associates Architects
Project Description: New sculpture in rear yard setback.

VARIANCE INFORMATION: The applicant is proposing to install a 10.75-foot-tall sculpture in their backyard which would have a 11.08-foot setback in lieu of the 25-foot minimum setback required for structures over 4 feet tall on properties abutting the Lake Trail.

At the December meeting, a motion carried to defer the project for one-month to the January 25, 2017 meeting at the request of the architect.

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

Mr. Kirchoff presented an aerial photo, the history of the home, images of the back of the home from the bike path, photos of the sculpture and the history of the sculpture. Mr. Kirchoff spoke about how the sculpture was installed when scouting a location and was not taken down in a timely fashion. Mr. Kirchoff spoke about the proposed location and why it was selected.

There was a discussion about the height of the sculpture and whether it should be considered a structure. Maura Ziska, Attorney for the owner, stated that a variance for the height of the sculpture is not needed and that they are looking for a recommendation to allow the sculpture in the setback.

Mr. Kirchoff showed the Commission a site plan, elevations including the structure and photos of other properties with similar sculptures near the bike path. Mr. Kirchoff stated that the owner has agreed to grow the hedge taller to 14 feet on the south side of the property. He also indicated that the sculpture will be removed when the owner is not in residence.

Commissioners Comments: Some of the Commissioners were in favor of viewing the art work from the trail. Other members were not in favor of the sculpture. One Commissioner thought that the sculpture could be moved so that the variance would not be necessary. There was a concern expressed about the material of the sculpture and whether it would hold up in the weather. There was long discussion about whether there was a hardship for the variance, the positioning of the sculpture and whether the Commission should provide opinions about the art work.

Mr. Kirchoff stated that the sculpture is from a significant artist and was costly and feels that it is not an inferior piece of art work.

Motion made by Mr. Small and seconded by Mr. Ives that the implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3 with Messrs. Knowles, Gruss and Mrs. Vanneck opposed.

A second motion by Mr. Small and seconded by Mr. Ives to approve the project as submitted. Motion carried 4-3 with Messrs. Knowles, Gruss and Mrs. Vanneck opposed.

B-078-2016 Demolition/New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 157 Peruvian Ave.
Applicant: Nita Stanoytchev; c/o David E. Klein, Esq.
Architect: Roy & Posey Architects
Project Description: Demolition of an existing one-story residence and construction of a new two-story single family residence in the "Bermuda Style."

VARIANCE INFORMATION: The applicant is requesting a variance to build a two-story, 3,911 square foot (including the garage) single-family residence on a lot with an area of 6,250 square feet, in lieu of the 10,000 square foot minimum required, and a lot width of 50 feet, in lieu of the 75-foot minimum required.

At the December meeting, a motion carried to defer the project for one-month to the January 25, 2017 meeting at the request of the applicant.

Please note: This discussion item was deferred to the February 22, 2017 meeting at the Approval of the Agenda, Item V.

B. MAJOR PROJECTS-NEW BUSINESS

B-080-2016 Demolition/New Residence
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 1632 S. Ocean Blvd.
Applicant: Mr. and Mrs. Maurice Pinsonnault
Architect: Carlos A. Bonilla, AIA/Bonilla Torregroza Architecture, LLC
Project Description: Demolition of existing one-story residence with 2 car garage basement. Construction of a new two-story single family residence with 2-car garage basement, pool and pool cabana. New hardscape and landscape.

VARIANCE INFORMATION: The applicant is proposing a new 10,897 square foot two-story, single family residence which will require the following variances: 1) a request for a point of measurement of 22.5 NGVD ("National Geodetic Vertical Datum") in lieu of the 20.56 NGVD maximum allowed; 2) a request for a front yard setback (on Seagrape Circle) for the entry feature to be 33.5 feet in lieu of the 35 foot maximum required; 3) a request for the height of the retaining wall along the west property line to be 9 feet tall in lieu of the 6 and 7 foot maximum allowed; 4) a request to have a building height plan setback 50.33 in lieu of the 66.9 foot minimum setback required for the architectural features which include the gable roof and two chimneys; 5) a request to allow two chimneys at a height of 37 feet in lieu of the 35 foot maximum allowed.

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

Maura Ziska, Attorney for the owner, explained the variances that are being requested and that they are seeking a favorable recommendation to the Town Council for the project.

Mr. Bonilla presented the demolition plan for the existing home. He provided a history of the existing home. He then showed the Commissioners exterior and interior pictures of the existing home, a site plan, photos of the neighbors and an existing streetscape.

Motion made by Mr. Garrison and seconded by Mr. Knowles to approve the demolition as presented with the caveat to sod and irrigate the property within 30 days. Motion carried with all in favor.

Mr. Bonilla presented the plans for the newly proposed home. He presented an aerial view, streetscape, location map, architectural styles of the surrounding homes, floor plans, lot size and stated it was a Bermuda style home. He presented building sections, a detail sheet, elevations, colored renderings, sample boards and a model as well. Mr. Bonilla explained the variance requests.

Commissioners Comments: Many of the Commissioners suggested reducing some of the dimensions to eliminate the variances. One of the Commissioners suggested reducing the window sizes on the east side, particularly the first floor. One of the Commissioners objected to the garage facing the street. Another Commissioner suggested to restudy the heights of the home to remove the variances as well as to restudy the entry to the garage.

One of the Commissioners asked for clarification on some of the variances. Ms. Ziska provided further explanation. Mr. Castro explained further the point of measurement to the Commissioners. Mr. Castro also explained the motor court entry and how it would be raised. There was some discussion about the elevation and topography of the lot.

Commissioners Comments: Many of the Commissioners were in favor of the design. There was a suggestion to reduce the three second floor windows on the east elevation to one window with side lights. Many of the Commissioners recommended reducing the size of the home to reduce the number of requested variances or at least the amount of variance that is being requested. Many thought the scale of the home was too big.

Maurice Pinsonnault, owner of the home, debated the size of the proposed home. Mr. Sammons stated he has an issue with the scale of the home, not the size of the home.

Motion made by Mrs. Vanneck and seconded by Mr. Small to defer the project to the March 22, 2017 meeting to restudy the scale of the project.

Mr. Garrison referred to the plan on SP-2 and discussed the building height plane request.

Mr. Castro added that the point of measurement would be 18 inches higher than what is indicated.

David Pressley, Attorney for the owner at 126 Seagrape Circle, asked for a deferral of the project to allow more time to analyze what impact it would have on his client's property.

Motion carried with all in favor.

B-001-2017 Additions/Modifications

Address: 242 Cherry Lane
Applicant: 242 Cherry Lane LLC, James C. Paine, Jr. – Agent, Architect
Architect: James C. Paine, Jr.
Project Description: Two story addition to single family residence, including demolition of non-conforming portion of existing residence.

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

Mr. Payne presented the proposed plans for the two story addition. He presented a streetscape, survey, proposed site plan, existing and proposed floor plans, photos of the existing exterior, neighborhood photos, existing and proposed elevations, detail sheets, colored renderings and a materials board. He also stated that he is not requesting any variances for the project.

Commissioners Comments: There was a comment that the front entrance is out of proportion and that the second story, middle window on the new addition is out of scale and both need to be restudied. There was a comment that there was too much of a difference between the existing and proposed structures. Many Commissioners thought the two structures needed to be blended together more cohesively and the entire addition needs to be rethought. There was a suggestion to restudy all of the fenestration. A comment was made that the new addition was too overwhelming, provided no continuity and did not have any charm. Another Commissioner thought that the new design had no style.

Motion made by Mr. Ives and seconded by Mr. Small defer the project to the March 22, 2017 meeting for an aggressive restudy. Motion carried with all in favor.

B-002-2017 Demolition/New Construction

Address: 256 Fairview Rd.
Applicant: 256 Fairview Road, LLC
Architect: Roger P. Janssen/Dailey Janssen Architects
Project Description: Demolition of a 1 story residence, pool, landscape and hardscape. Construction of a 2 story residence, pool/spa, landscape and hardscape.

Please note: This discussion item was deferred to the February 22, 2017 meeting at the Approval of the Agenda, Item V.

B-003-2017 Time Extension

Address: 1332 N. Ocean Blvd.
Applicant: Avery PB Realty Trust – Vickie Giardina

Architect: John M. Melhorn, AIA
Project Description: This is a time extension for the previously approved construction of a new 3,300 sq ft addition that will consist of: a guest wing with 4 car garage, aesthetic renovation to the existing residence, new windows and doors, new pool, hardscape and site walls.

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

Mrs. Vanneck declared a conflict for this project and left the dais. Ms. Grace voted in Mrs. Vanneck absence.

Mr. Melhorn stated that the property is vacant and provided a brief overview of the project. He stated that the reason for the time extension request is due to a family difficulty.

Motion made by Mr. Ives and seconded by Mr. Small to approve the time extension as requested. Motion carried with all in favor.

A lunch break was taken at 12:15 p.m. The meeting resumed at 1:15 p.m.

B-004-2017 Additions/Modifications
Address: 244 Orange Grove Rd.
Applicant: Joseph Ceravolo
Architect: Caroline Forrest/MP Design & Architecture Inc.
Landscape Architect: Matt Jackman/Nievera Williams Designs
Project Description: One story addition and renovation to existing one-story house with new hardscape, landscape & pool.

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

Ms. Forrest stated that the owners purchased the home in 1967 and have made no updates since that time. She told the Commissioners that they are proposing two additions to the home. She presented an existing and proposed site plan, photos of existing home, photos of the surrounding homes, existing and proposed floor plans, roof plan, elevations and detail sheets.

Mr. Sammons questioned the connection of the portico to the roof as well as the size of the portico. He suggested reducing the size to help with the proportions. He thought the fascia may be too small versus the crown on the eave.

Many of the Commissioners were in favor of the changes and thought it added to the charm of the home.

Mr. Jackman presented a site plan of the proposed landscape and hardscape, colored elevation renderings and materials to be used. Mr. Jackman put plans on the overhead that shows an additional Sea Grape tree to be used as well as the relocation of the citrus trees.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to approve the project as presented. Motion carried with all in favor.

B-005-2017 Demolition

Address: 1441 N. Lake Way
Applicant: Peter K. Jaffe Trust/P. Kevin Jaffe
Architect: Harold Smith/Smith and Moore Architects
Project Description: Demolition of an existing one-story single family residence, hardscape and interior landscaping.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck.

Mr. Smith presented the proposed demolition. He presented an aerial photo, the history of the home, existing interior and exterior photos and stated that all of the perimeter landscaping will remain. He also stated that the property will be sodded and irrigated after the demolition. Mr. Smith stated that the existing curb cuts will remain.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to approve the demolition request as presented with the caveat that the perimeter landscape be maintained as well as to sod and irrigate the property within 30 days.

Bill Metzger, 277 Esplanade Way, requested a dust screen to be erected between his property and the demolition. He also asked about the timing for the demolition and the schedule for the new construction. He also asked about restoring paving on a street that had been damaged by construction.

Mr. Page stated that the Public Works has a policy in the Town's Right of Way regarding street paving.

Mr. Smith stated that if the screen was made part of the motion, the owner would be happy to comply with the request.

Motion amended by Mr. Garrison and seconded by Mr. Small to approve the demolition request as presented with the caveat that the perimeter landscape be maintained as well as to sod and irrigate the property within 30 days and that a dust screen at 12 feet in height, on the eastern side of the property, be erected during demolition.

Mrs. Vanneck told Mr. Metzger that demolition cannot begin until after the first of March.

Mr. Smith stated that the owner has no immediate plans to build on the lot.

Motion carried with all in favor.

B-007-2017 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 82 Middle Rd.
Applicant: Ms. Charlotte Beers
Architect: M. Mark Marsh
Landscape Architect: Sean Twomey/Environment Design Group
Project Description: Renovation of existing two story home including 2 small infill additions and one open covered carport addition. Existing hardscape and landscape to be renovated.

VARIANCE INFORMATION: The applicant is proposing the following additions onto the existing residence: 1) Construct a one story 35 square foot infill addition to an existing bathroom; 2) construct a one story 5 square foot infill addition to the kitchen; 3) construct a one story 192 square foot addition for a car port. The following variances are being requested to accomplish the above improvements: 1) Cubic content ratio ("CCR") of 6.05 in lieu of the 6.00 existing and the 4.02 maximum CCR allowed; 2) Lot coverage of 33.7% in lieu of the 31.3% existing and the 30% maximum allowed.

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

Maura Ziska, Attorney for the owner, explained the variances that are being requested and that they are seeking a favorable recommendation to the Town Council for the project.

Mr. Lindgren stated that the Commissioners could not make a final recommendation on the architecture but could give a recommendation to the Town Council on the variances requested.

Mr. Marsh presented an aerial photo, history of the property, site plan, streetscape, showed proposed additions, photos of existing home and surrounding homes, existing and proposed floor plans, proposed fenestration changes, existing and proposed elevations and detail sheets.

Commissioners Comments: Many of the Commissioners were not in favor of the awnings. Some of the Commissioners were not in favor of the carport while others thought the design was satisfactory. There was a request to label the closets and elevator on page A2.3. There was a concern about the door entering into the kitchen and whether it would be perceived as the front door. There was a suggestion to use some art deco elements over the balcony.

Mr. Twomey presented the proposed landscape and hardscape for the project. He presented a site plan and colored elevations and discussed all of the changes.

Mr. Garrison expressed concern about the lack of definition for the front door.

Motion made by Mr. Ives and seconded by Mr. Garrison that the implementation of the proposed variances will not cause negative architectural impact to the subject property and to defer the architecture to the February 22, 2017 meeting. Motion carried with all in favor.

B-008-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW

Address: 235 Via Vizcaya
Applicant: 235 Via V PB, LLC
Architect: Pat Segraves, SKA Architect + Planner
Project Description: Mediterranean Revival style two-story home to be 7,444 square feet consisting of four bedrooms, six and one half bathrooms, kitchen, dining room, family room, living room, library, loggias, two-car garage and guest apartment. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW INFORMATION: The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required.

Please note: This discussion item was deferred to the February 22, 2017 meeting at the Approval of the Agenda, Item V.

B-009-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW
Address: 12 Via Vizcaya
Applicant: JDC Florida Properties, LLC
Architect: Pat Segraves, SKA Architect + Planner
Landscape Architect: Steve West, Parker Yanette Design Group, Inc.
Project Description: Classical Style two-story home to be 6,958 square feet consisting of 4 bedrooms, five and one half bathrooms, kitchen, dining room, family room, library, loggias, and two car garage. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW INFORMATION: The applicant is requesting a site plan review to allow the construction of a 6,958 square foot two-story, single family residence on a non-conforming platted lot which is 15,102 square feet in area in lieu of the 20,000 square foot minimum area required; 106.67 in width in lieu of the 125 foot minimum required; and 100.17 feet in depth in lieu of the 150 foot minimum required.

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

Maura Ziska, Attorney for the owner, explained the site plan review that is required for the project.

Mr. Lindgren stated that the Commissioners could not make a final recommendation on the architecture and the site plan approval.

Mrs. Vanneck asked about the divided lots. Mr. Lindgren stated that they are platted lots. Some discussion continued on this topic.

Mr. Segraves presented the proposed project. He showed the Commissioners surrounding property photos, a contextual site plan, proposed site plan, streetscape, location map, proposed floor plans, colored renderings and elevations. He stated that the lot is currently vacant.

Commissioners Comments: There was a comment that the house was over scaled and very heavy. One member thought the design needed further work. Some Commissioners thought that the house was too big for the lot. There was a suggestion to restudy the L portion of the home and possibly change it to a one story element or to make it less prominent. A comment was made that the middle windows and doors on the west elevation (3 over 3) are a little aggressive. There was a suggestion to add stone trim, eave with character or some additional details to add some charm. Many thought the house needed to be restudied.

Mr. West presented the proposed landscape and hardscape for the property. He presented existing photos of the surrounding homes, existing site photos, a site plan and elevations of the proposed landscaping.

Mrs. Vanneck suggested to add more trees to shade the west elevation of the property.

Mr. Garrison stated he would like to see sections through the cornice and balconies and the details of the eaves.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to the February 22, 2017 meeting with major restudy. Motion carried 6-1 with Mr. Garrison opposed.

B-010-2017 Modifications

Address: 261 El Dorado Lane
Applicant: Charles Ruger
Architect: Jaime Torres and Ann Fairfax/Fairfax & Sammons
Project Description: Interior renovations, new windows and exterior doors, removal of existing entry portico, changes to south/entry elevation, other minor elevation changes, partial new roof and changes to landscape/hardscape.

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

Mr. Sammons declared a conflict for this project and left the dais. Ms. Grace voted in Mr. Sammons absence.

Mr. Torres presented the proposed changes to the property. He showed the Commissioners an aerial photo, provided a history of property, a survey, a streetscape, a proposed site plan, existing floor plan, demolition plan, proposed floor plan, existing and proposed elevations and highlighted the proposed changes. He also presented materials to be used, existing home photos and surrounding neighborhood photos. Mr. Torres presented fenestration changes that he was requesting to make on three elevations on the overhead projector.

Mr. Corey asked for clarification on the fenestration changes that were being proposed. Mr. Torres went over the changes for the Commission.

Commissioners Comments: Many of the Commissioners were in favor of the changes. There was a request to add the manufacturer and color number of the proposed paint to the

plans. There was a recommendation to add mullions on the garage window on the west elevation. Some of the Commissioners thought the project should be deferred to make sure all of the correct elevations are seen in its entirety.

There was some discussion about deferring the project.

Ms. Fairfax presented the proposed landscape and hardscape for the property. She showed the Commissioners existing photos of the property and surrounding neighbors, a site plan of the proposed landscape and hardscape as well as colored elevations.

Commissioners Comments: There was a request for the details on the proposed gate and canvas proposed on the east side of the home. There was a suggestion to add a shade tree that will provide a larger canopy. There was some discussion on possible shade tree locations.

Motion made by Mr. Ives and seconded by Mr. Garrison to defer the project to the February 22, 2017 meeting. Motion carried with all in favor.

B-011-2017 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 1090 N. Ocean Blvd.
Applicant: Ann Desruisseaux
Architect: Caroline Forrest/MP Design & Architecture
Landscape Architect: Matt Jackman/Nievera Williams Design
Project Description: Additions and renovations to existing two story house to include new hardscape, landscape and pool. First floor addition of 148 square feet and second floor addition of 832 square feet.

VARIANCE INFORMATION: The applicant is proposing to renovate a two-story residence with 994 square feet of one and two story additions increasing the residence from 6,141 square feet to 7,135 square feet total and require the following variances: 1) cubic content ratio ("CCR") of 4.99 in lieu of the 4.35 existing and the 3.96 maximum CCR allowed; 2) south side yard setback of 10 feet in lieu of the 12.5 foot minimum set back required for the proposed one story addition to the existing garage; 3) south side yard setback of 10 feet in lieu of the 15 foot minimum set back required for the proposed two story additions to expand and add to the upstairs bedrooms.

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

Mr. Lindgren stated that the Commissioners could not make a final recommendation on the architecture but could give a recommendation to the Town Council on the variances requested.

Maura Ziska, Attorney for the owner, explained the variances that are being requested and that they are seeking a favorable recommendation to the Town Council for the project. She also told the Commissioners about the letters of support for the project that had been received.

Ann Neville, owner, thanked the Commission and requested a favorable recommendation for the variances.

Ms. Forrest presented the proposed changes for the property. She presented a location map, existing photos of home, an aerial photo, existing and proposed floor plans, a CCR plan, existing and proposed elevations and colored renderings. She also presented newly proposed fenestration changes on the overhead projector as well as details on the out lookers and eave details.

Mr. Corey asked if the existing chimney is operable. Ms. Forrest responded. He stated he was in favor of the muttons on the window and doors and was in favor of the smaller windows proposed on the east elevation.

Many of the Commissioners were in favor of the project and thought the changes were a large improvement.

Mr. Garrison requested that the colors and specific details on the plans.

Mr. Jackman presented the proposed landscape and hardscape plans. He presented existing site images, a site plan and colored renderings. He put some proposed landscape changes on the overhead projector as well.

Mr. Garrison questioned the curb cut on N. Ocean Blvd. Ms. Forrest responded to his concern.

Mr. Corey was in favor of the 3 shade trees proposed for the northeast corner.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison that the implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried with all in favor.

A second motion by Mrs. Vanneck and seconded by Mr. Garrison to defer the project to the February 22, 2017 meeting.

C. MINOR PROJECTS - OLD BUSINESS

NONE

D. MINOR PROJECTS-NEW BUSINESS

A-001-2017 Modifications

Address: 369 S. Lake Dr., Apt. G-1
Applicant: Cynthia Van Buren
Engineer: Derek Schenavar, PE/DKK Consulting Engineering
Project Description: Installation of a retractable awing 17 feet long that will extend out 4 feet. Awning does not impact row. It is 68 square feet over existing concrete patio.

Call for disclosure of ex parte communication: Disclosure by Mr. Garrison and Mrs. Vanneck.

Cynthia Van Buren, owner, presented the proposed 17-foot-wide, retractable awning over the middle sliding glass door. She stated it would be a made of a white cloth material and would match other awnings that are existing.

Mr. Small asked for surrounding neighbor photos or pictures of other awnings. Ms. Van Buren stated her neighbor to the directly to the east has two identical awnings. She presented the Commission with a picture of a similar awning and stated the awning would not be visible from the street due to an existing hedge.

Mrs. Vanneck stated she was not in favor of the awning in the white color but did not want many different awning colors on the building. Ms. Van Buren responded.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1 with Mr. Small opposed.

A-002-2017 Modifications
Address: 216 Sandpiper Dr.
Applicant: LC Homes of South Florida LLC
Architect: Roger Janssen/Dailey Janssen Architects
Project Description: Proposed color changes to exterior shutters and concrete roof tiles.

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

Molly Mitchell, Dailey Janssen Architects, presented proposed color changes in the shutters and roof material and the reason for the changes. She showed the Commissioners previously proposed elevations versus the newly proposed elevations. She also showed the Commissioners a paint and roof sample.

Motion by Mrs. Vanneck and seconded by Mr. Small to approve the project as presented. Motion carried with all in favor.

A-003-2017 Modifications
Address: 686 Island Dr.
Applicant: Robert F. Greenhill
Architect: Michael Polka/YRA Design
Project Description: Exterior window and door replacement.

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

Mr. Polka presented the proposed plans to replace all of the exterior windows, doors and shutters. Mr. Polka provided a history of the home, showed photos of the existing home, surrounding homes, existing and proposed elevations and a picture of the proposed window.

Mr. Sammons asked the reason for the transom being added to the proposed windows. Mr. Polka stated the hardship in obtaining the size of windows that exist in the home today.

Mr. Knowles asked about the materials of the proposed window. Mr. Polka stated he is proposing a custom wood door and wood windows.

Commissioners Comments: Many of the Commissioners were not in favor with the transom on the windows. Many members were also not in favor of the front door selection. There was also a suggestion to tie the windows together more by adding muttons on the rear windows.

Mr. Small inquired about replacing the windows with a product that is similar to what is existing. There was some discussion on this topic.

Frank Pompa, friend of the owners, stated that in their research for a window product, they were told by Kolbe that a hurricane impact window could not be made for a window that is over 6 feet tall. Mr. Pompa stated that the proposed windows were aluminum clad with mahogany interiors. Mr. Sammons said he could provide several suppliers that would make the windows.

Mr. Gruss asked if the shutters were operable. Mr. Pompa responded.

Motion made by Mrs. Vanneck and seconded by Mr. Small to defer the project to February 22, 2017 to restudy different window and door options.

IX. OTHER BUSINESS

Mr. Page discussed the upcoming term expirations for two of the Architectural Commission members and stated that the alternates could apply for those open positions.

X. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

NONE

XI. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

Mr. Small raised the question regarding the Commission setting a deferral date different than requested by the architect. Mr. Page stated he would ask Skip Randolph his opinion on the matter. Some discussion continued on this matter.

Ms. Grace asked the other Commissioners if they felt more details, such as the Commissioners comments on the project, needed to be included in the agendas for reference. Some discussion continued on this topic. It was decided that this information does not need to be included.

XII. ADJOURNMENT

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to adjourn the meeting at 4:01 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, February 22, 2017 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Richard Sammons, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 09-2017 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Duval Ford in the Amount of $147,390 for the Purchase of Four (4) 2017 Ford Interceptor Police Rated Utility Vehicles as Recommended by Staff; and Establishing a Total Budget of $149,000; and Providing an Effective Date.

Presenter
Kirk W. Blouin, Director of Public Safety

ATTACHMENTS:

- **Memorandum dated January 24,2017, from Kirk W. Blouin, Director of Public Safety**
- **Resolution No. 09-2017**
- **Exhibit A**
- **Exhibit B**
- **Exhibit C**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Purchase of Police Vehicles
Resolution No. 09-2017

Date: January 24, 2017

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of four (4) 2017 Ford Interceptor Police Rated Utility vehicles in the amount of $147,390 from Duval Ford. These items replace vehicles that are included in the Town's Equipment Replacement Program and were previously considered and approved by the Town Council during the FY 2017 Budget process.

GENERAL INFORMATION

The Police Department is requesting to purchase two (2) police rated pursuit utility vehicles and two (2) sworn supervisor police rated utility vehicles. Police pursuit vehicles are currently on a four (4) year useful life cycle replacing approximately three (3) pursuit vehicles each year, if deemed necessary. When a pursuit vehicle is removed from regular patrol assignment, it is then typically used by the department as a police "egg", or by officers assigned to a Special Detail, or for training/travel purposes, until deemed appropriate, due to mileage and excessive wear and tear to sell at auction. Supervisor vehicles are currently on a ten (10) year useful life cycle and then are typically transferred to another unit within the department, such as the Crime Scene Evidence Unit, for use until deemed appropriate to sell at auction. Vehicles are purchased through the Florida Sheriffs Association (FSA) Automotive Contract No. FSA16-VEL24.0.

FUNDING/FISCAL IMPACT

These purchases were approved as part of the FY2017 Equipment Replacement Program ($113,197) and FY2017 General Fund Budget ($27,000) with a total budget of $140,197. The total cost of the vehicles is $147,390. The overage of $7,193 is due in part to the inclusion of factory installed transport seats and cage packages which were previously purchased separately and installed by police mechanics after delivery. The overage will be offset using funds within the FY2017 Police General Fund Department Budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and is approved as recommended.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved for legal form and sufficiency.

KWB/lsg
cc: Jane Struder, Director of Finance
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 09-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AND APPROVING A PURCHASE ORDER TO DUVAL FORD IN THE AMOUNT OF $147,390 FOR THE PURCHASE OF FOUR (4) 2017 FORD INTERCEPTOR POLICE RATED UTILITY VEHICLES AS RECOMMENDED BY STAFF; AND ESTABLISHING A TOTAL BUDGET OF $149,000; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Duval Ford in the amount of $147,390 for the purchase of four (4) 2017 Ford Interceptor Police Rated Utility vehicles through the Florida Sheriff's Association Contract No. FSA16-VEL24.0 and establishes an overall budget of $149,000.

Section 2. A copy of Town of Palm Beach RFQ Nos. 24-2017; 25-2017, and 29-2017 are attached hereto as Exhibits A, B and C and are hereby incorporated within this Resolution and made a part hereof.

Section 3. The Town Manager is authorized to execute any and all documents necessary to effectuate this purchase order.

Section 4. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 14TH DAY OF FEBRUARY, 2017.

_____ _____

Gail L. Coniglio, Mayor

_____

_____

_____

ATTEST:

_____ _____

Susan A. Owens, MMC, Town Clerk

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 24-2017

2017 Ford Interceptor Utility (K8A)
FSA Specification #06
Due by 2pm, Wednesday January 13, 2017

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the **Florida Sheriff's Association's Contract # 16-VEL24.0**, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.
All terms, conditions and specifications of the **Florida Sheriff's Association Contract # 16-VEL24.0** shall apply.

SCHEDULE OF BID ITEMS

The undersigned as bidder does declare that no other persons other than the bidder herein named has any interest in this bid or in the contract to be taken, and that it is made without any connection with any other person or persons making bid for the same article, and is in all respects fair and without collusion or fraud.

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for therein.

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30	DESTINATION		

Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost
	2017 Ford Interceptor Utility (K8A)				
1.	**BASE PRICE – 2017 FORD INTERCEPTOR POLICE RATED UTILITY – AWD SPECIFICATION #06 (K8A)** WITH ALL STANDARD EQUIPMENT AS SPECIFIED BY THE MANUFACTURER FOR THIS MODEL AND FSA'S BASE SPECIFICATION REQUIREMENTS, INCLUDED AND MADE PART OF THE FSA CONTRACT AS AWARDED BY SPECIFICATION, BY ZONE.	1	EA	$26259	$26259
2.	**SFST** - SAFESTOP, ANTITHEFT	1	EA	$259	$259
3.	**86P** - PRE DRILLED HOLES FOR HEAD LAMPS	1	EA	$124	$124

Company Name: Duval Ford Authorized Signature: Ramona Jobert

Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost
	2017 Ford Interceptor Utility (K8A) (cont'd)				
4.	53M - SYNC/ BLUE TOOTH	1	EA	$ 294	$ 294
5.	595 - REMOTE KEYLESS ENTRY	1	EA	$ 259	$ 259
6.	90D - BALLISTIC DOOR PANELS (LEVEL 111)- DRIVER SIDE ONLY	1	EA	$ 1584	$ 1584
7.	61S - REMAPPABLE (4) SWITCHES ON STEERING WHEEL (SYNC)	1	EA	$ 154	$ 154
8.	65U - INTERIOR UPGRADE PACKAGE FW Cloth $59.00	1	EA	$ 448	$ 448
9.	BUC - BACK UP "HOT" CAMERA THE BLACKVUE DR650S-2CH IS A RELIABLE AND IDEAL DUAL-CHANNEL CAR DASHCAM FOR MOTORISTS WHO WANT TO RECORD DRIVING SCENES FROM BOTH FRONT AND REAR WINDOWS. THE MAIN CAMERA, MOUNTED ON THE FRONT WINDSHIELD, CAPTURES THE ENTIRE ROAD AHEAD. THE REAR CAMERA, ATTACHED TO THE REAR WINDOW, RECORDS WHAT S BEHIND YOU. THE TWO CAMERAS ARE CONNECTED WITH A HIGH-QUALITY COAXIAL CABLE AND BOTH RECORD TO THE SAME MICROSD CARD. BUILT-IN WIFI ALLOWS YOU TO COMMUNICATE WITH THE DASH CAM VIA THE FREE BLACKVUE APP ON YOUR SMARTPHONE OR TABLET GIVING YOU THE ABILITY TO WATCH RECORDED OR LIVE VIDEO WITHOUT TAKING OUT THE MICROSD CARD. A COMPACT AND SLEEK BODY IN MATTE BLACK MAKES IT UNNOTICEABLE AND ITS PLACEMENT ON THE WINDSHIELD DOES NOT AFFECT THE DRIVERS VISION. HTTP //WWW.RVSSYSTEMS.COM/2-CHANNEL-32GB-DASH-CAMERA-BY-BLACKVUE.HTM	1	EA	$ 695	$ 695
10.	CE575 - 5 YEAR/ 100,000 MILE EXTRA CARE WARRANTY WITH $0 DED.	1	EA	$ 2425	$ 2425
11.	WPUMP - WHELEN PREMIUM UNMARKED PATROL PACKAGE, CONSIST OF FRONT AND REAR LP INNER EDGE LIGHTBARS, HEADLIGHT FLASHERS, (2) VERTEX FOR TAIL LIGHTS, HAND HELD HS2200 CONTROLLER SIREN SPEAKER AND MOUNTING BRACKETS	1	EA	$ 2189.	$ 2189

12.	G1 - EXTERIOR COLOR: SHADOW BLACK	1	EA	$ 0	$ 0
13.	88F - INTERIOR: CHARCOAL BLACK WITH REAR CLOTH SEATS	1	EA	$ 0	$ 0
14.	LABOR - Total labor hours per spec. Includes wire, loom, connectors, PDI and shop supplies	7	HR	$ 135	$ 945
				TOTAL PRICE (LINES 1 THRU 14)	$ 35,635

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: $ 35,635

*Signature: Laura Torbett Name/Title: Duval Ford - Govt Sales Mgr

Address: 11616 Cassat Ave Zip: 32210

Federal ID#: 27-3646082

Telephone Number: (904) 388-2144 Fax: (904) 387-6816

E-Mail Address: laura.torbett@duvalfleet.com

Date: 1-24-17

*Failure to affix signature may result in disqualification of proposal.

Name of Bidder's Contact Person: _____

Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 25-2017

2017 Ford Interceptor Utility (K8A)
FSA Specification #06
Due by 2pm, Wednesday January 13, 2017

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the **Florida Sheriff's Association's Contract # 16-VEL24.0**, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.
All terms, conditions and specifications of the **Florida Sheriff's Association Contract # 16-VEL24.0** shall apply.

SCHEDULE OF BID ITEMS

The undersigned as bidder does declare that no other persons other than the bidder herein named has any interest in this bid or in the contract to be taken, and that it is made without any connection with any other person or persons making bid for the same article, and is in all respects fair and without collusion or fraud.

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for therein.

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30	DESTINATION		

Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost
	2017 Ford Interceptor Utility (K8A)				
1.	**BASE PRICE – 2017 FORD INTERCEPTOR POLICE RATED UTILITY – AWD SPECIFICATION #06 (K8A)** WITH ALL STANDARD EQUIPMENT AS SPECIFIED BY THE MANUFACTURER FOR THIS MODEL AND FSA'S BASE SPECIFICATION REQUIREMENTS, INCLUDED AND MADE PART OF THE FSA CONTRACT AS AWARDED BY SPECIFICATION, BY ZONE.	1	EA	$ 26259	$ 26259
2.	**595** - REMOTE KEYLESS ENTRY	1	EA	$ 259	$ 259
3.	**59J** - Fleet key, keyed alike – key code 1111X	1	EA	$ 49	$ 49

Company Name: Duval Ford Authorized Signature: [signature]

Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost
2017 Ford Interceptor Utility (K8A) (cont'd)					
4.	**90D** - BALLISTIC DOOR PANELS (LEVEL 111)- DRIVER SIDE ONLY	1	EA	$ 1584	$ 1584
5.	**68G** - REAR DOOR LOCKS AND HANDLES INOP	1	EA	$ 34	$ 34
6.	**SFST** - SAFESTOP, ANTITHEFT	1	EA	$ 259	$ 259
7.	**43D** - COURTESY LAMP DISABLE	1	EA	$ 19	$ 19
8.	**17T** - DOME LAMP- RED/ WHITE	1	EA	$ 49	$ 49
9.	**2TONE** - TWO TONE PAINT- WHITE DOORS ONLY	1	EA	$ 1296	$ 1296
10.	**HAVIS** - HAVIS UNIVERSAL CONSOLE FOR PI UTILITY W/ CUPHOLDERS, ARM REST AND DC OUTLETS	7	HR	$ 596	$ 596
11.	**CE575** - 5 YEAR/ 100,000 MILE EXTRA CARE WARRANTY WITH $0 DED.	1	EA	$ 2425	$ 2425
10.	**WPLB-LED** - WHELEN PREMIUM 54" LED LIGHT BAR PACKAGE WITH (2) WIRED TRAFFIC ADVISORS, (2) LED FLASHING TAKE DOWNS, (2) FLAHING ALLEY LIGHTS SIREN, SPEAKER, MOUNTING KIT, 295SLSA6 CONTROLLER	1	EA	$ 2866	$ 2,866
11.	**LM** - EXTERIOR COLOR: ROYAL BLUE	1	EA	$ 0	$ 0
12.	**9W** - INTERIOR: CHARCOAL BLACK WITH REAR VINYL	1	EA	$ 0	$ 0
				TOTAL PRICE (LINES 1 THRU 12):	$ 35,695

Company Name: Duval Ford **Authorized Signature:** Ramona Isabel

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: $35,695.00

***Signature:** Laura Torbett **Name/Title:** Duval Ford - Govt Sales Mgr.

Address: 1616 Cassat Ave **Zip:** 32210

Federal ID#: 27-3646082

Telephone Number: (904) 388-2144 **Fax:** (904) 387-6816

E-Mail Address: laura.torbett@duvalford.com

Date: 1-24-17

***Failure to affix signature may result in disqualification of proposal.**

Name of Bidder's Contact Person: _____

Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 29-2017

2017 Ford Interceptor Utility (K8A)
FSA Specification #06
Due by 2pm, Wednesday January 20, 2017

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the **Florida Sheriff's Association's Contract # 16-VEL24.0**, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.
All terms, conditions and specifications of the **Florida Sheriff's Association Contract # 16-VEL24.0** shall apply.

SCHEDULE OF BID ITEMS

The undersigned as bidder does declare that no other persons other than the bidder herein named has any interest in this bid or in the contract to be taken, and that it is made without any connection with any other person or persons making bid for the same article, and is in all respects fair and without collusion or fraud.

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for therein.

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

1. TERMS	2. F.O.B.	3.SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30	DESTINATION	BEST WAY		FEBRUARY 23, 2017	
Item	**Description /Specifications**	**Quantity**	**Unit**	**Unit Cost**	**Extended Cost**
	2017 FORD INTERCEPTOR UTILITY (K8A)				
1.	**BASE PRICE – 2017 FORD INTERCEPTOR POLICE RATED UTILITY – AWD SPECIFICATION #06 (K8A)** WITH ALL STANDARD EQUIPMENT AS SPECIFIED BY THE MANUFACTURER FOR THIS MODEL AND FSA'S BASE SPECIFICATION REQUIREMENTS, INCLUDED AND MADE PART OF THE FSA CONTRACT AS AWARDED BY SPECIFICATION, BY ZONE.	2	EA	$ 26,259	$ 52,518
2.	**595** - REMOTE KEYLESS ENTRY	2	EA	$ 259	$ 518
3.	**59J** - FLEET KEY, KEYED ALIKE – KEY CODE 1111X	2	EA	49	98
4.	**90D** - BALLISTIC DOOR PANELS (LEVEL 111)- DRIVER SIDE ONLY	2	EA	$ 1584	$ 3,168

Company Name: Duval Ford Authorized Signature: Lana Jobett

Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost
2017 FORD INTERCEPTOR UTILITY (K8A) (cont'd)					
5.	**68G** - REAR DOOR LOCKS AND HANDLES INOP	2	EA	$ 34	$ 68
6.	**SFST** - SAFESTOP, ANTITHEFT	2	EA	$ 259	$ 518
7.	**43D** - COURTESY LAMP DISABLE	2	EA	$ 19	$ 38
8.	**17T** - DOME LAMP- RED/ WHITE	2	EA	$ 49	$ 98
9.	**2TONE** - TWO TONE PAINT- WHITE DOORS ONLY	2	EA	$ 1296	$ 2592
10.	**PG** - PRO GARD 6000 REAR TRANSPORT SEAT FOR PI- UTILITY	2	EA	$ 1430	$ 2860
11.	**PG-2600** - PRO-GARD POLYCARBONATE/ LEXAN CAGE WITH SLIDING WINDOW AND RECESSED PANELS (# P2600)	2	EA	$ 905	$ 1810
12.	**HAVIS** - HAVIS UNIVERSAL CONSOLE FOR PI UTILITY W/ CUPHOLDERS, ARM REST AND DC OUTLETS	2	EA	$ 596	$ 1192
13.	**CE575** - 5 YEAR/ 100,000 MILE EXTRA CARE WARRANTY WITH $0 DED.	2	EA	$ 2425	$ 4850
14.	**LABOR** – LABOR RATE PER HOUR	14	HR	$ 135	$ 1890
15.	**WPLB-LED** - WHELEN PREMIUM 54" LED LIGHT BAR PACKAGE WITH (2) WIRED TRAFFIC ADVISORS, (2) LED FLASHING TAKE DOWNS, (2) FLAHING ALLEY LIGHTS SIREN, SPEAKER, MOUNTING KIT, 295SLSA6 CONTROLLER	2	EA	$ 1921	$ 3842
16.	**LM** - EXTERIOR COLOR: ROYAL BLUE	2	EA	$ 0	$ 0
17.	**9W** - INTERIOR: CHARCOAL BLACK WITH REAR VINYL	2	EA	$ 0	$ 0

TOTAL PRICE (LINES 1 THRU 13): $ 70,328

See total next page

Company Name: Duval Ford **Authorized Signature:** [signature]

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: 2 vehicles @ $76,060 total

*Signature: Laura Torbett Name/Title: DuvalFord - Govt Sales Mgr.

Address: 1616 Cassat Ave Zip:

Federal ID#: 27-3646082

Telephone Number: (904) 388-2144 Fax: (904) 387 6816

E-Mail Address: laura.torbett@duvalfleet.com

Date: 1-24-17

***Failure to affix signature may result in disqualification of proposal.**

Name of Bidder's Contact Person: _____

Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 10-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract Renewal with Howroyd Wright Employment Agency, Inc. DBA AppleOne Employment Services, to Provide Temporary Employment Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Memorandum Dated February 3, 2017, from Jane Struder, Director of Finance**
- **Resolution No. 10-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Authorization to Renew Agreement for Temporary Personnel Services
Resolution No. 10-2017

Date: February 3, 2017

STAFF RECOMMENDATION

Staff recommends Town Council adopt Resolution 10-2017, authorizing a contract renewal of the current agreement with Howroyd Wright Employment Agency, Inc. DBA AppleOne Employment Services , for contractual temporary personnel services with a pay rate multiplier of 37% .

GENERAL INFORMATION

AppleOne was awarded the Temporary Personnel Services Contract, Bid No 2013-21, on October 30, 2013. A charge of $0.54 per hour, to cover mandatory employee health care costs related to the Affordable Care Act was added as of January 1, 2015 in accordance with AppleOne's proposal dated May 1, 2013, which was accepted by the Town. The administrative services provided by AppleOne may be used by all Town Departments. The original contract, was for one year with the option to renew for up to four additional one year periods if agreeable to both parties. This Resolution will be for the fourth renewal period. AppleOne has performed well during their contract period and has agreed to an additional one year renewal at the same terms conditions, specifications and pricing.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Town's FY2017 program budgets to fund the services provided by this contract. Actual expenditures will be determined by the level of usage, which may vary depending on workload and how much temporary employment services are used in lieu of Town staff. In FY16, the Town spent $31,103 on temporary services with Apple One.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Department Directors
John C. Randolph, Town Attorney
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 10-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING A CONTRACT RENEWAL WITH HOWROYD WRIGHT EMPLOYMENT AGENCY, INC. DBA APPLEONE EMPLOYMENT SERVICES, TO PROVIDE TEMPORARY EMPLOYMENT SERVICES, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

WHEREAS, The Town entered into a contract with AppleOne Employment Services for Temporary Employment Services on October 30, 2013.

WHEREAS, The Town executed a renewal of the contract for a one-year term during fiscal year 2016; and

WHEREAS, The Town wishes to renew the existing contract through the end of the current fiscal year; and

WHEREAS, The contract contains provisions allowing renewal for an additional one-year period.

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

Section 1. The Town wishes to renew the contract for a one-year renewal period for Temporary Employment Services with Howroyd Wright Employment Agency, Inc. DBA AppleOne Employment Services**,**

Section 2. The Town Manager is hereby authorized to execute a contract renewal on behalf of the Town of Palm Beach for Temporary Employment Services with Howroyd Wright Employment Agency, Inc. Dba Appleone Employment Services**,**

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate this contract for Temporary Employment Services.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of February 2017.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 11-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Continued Services of Greenberg Traurig, LLP, to Represent the Town for Coastal Management Lobbying Services at a Cost Not to Exceed $30,000 Annually.

Presenter
Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Memorandum dated February 7, 2017, from Tom Bradford, Town Manager**
- **Resolution No. 11-2017**
- **Engagement letter from Greenberg Traurig**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Coastal Management Program Lobbying Services-Greenberg Traurig, LLP
Resolution No. 11-2017

Date: February 7, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 11-2017 authorizing the continued lobbying services of Greenberg Traurig, LLP, to represent the Town for matters related to the Town's coastal management program for a total FY16/17 cost not-to-exceed $30,000.

GENERAL INFORMATION

This matter is a "housekeeping" item to update all standing contracts to match contract standards of the Purchasing Division. The Town and Greenberg Traurig, LLP have had a successful relationship for many years and they have been effective in representing the Town's interests.

FUNDING/FISCAL IMPACT

Greenberg Traurig has a monthly retainer of $2,500 with the Town. If the resolution is approved, the FY 16/17 budget contains sufficient funds to pay up to $30,000 for coastal management program lobbying services to the firm as recommended in this memorandum.

PURCHASING REVIEW

This agenda item has been reviewed by the Purchasing Division of the Finance Department and approved as recommended.

TOWN ATTORNEY REVIEW

Resolution No. 11-2017 has been approved by the Town Attorney for legal form and sufficiency.

TGB:cek

Attachments

RESOLUTION NO. 11-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZNG THE CONTINUED SERVICES OF GREENBERG TRAURIG, LLP, TO REPRESENT THE TOWN FOR COASTAL MANAGEMENT LOBBYING SERVICES AT A COST NOT TO EXCEED $30,000 ANNUALLY.

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

Section 1. The Town Manager is hereby authorized to execute a purchase order with Greenberg Traurig, LLP, in the amount of $30,000 for coastal management program lobbying services.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary to effectuate the continued representation of the Town for its coastal management program by Greenberg Traurig, LLP, to work with appropriate regulatory agencies to enhance beach renourishment opportunities and for related coastal program matters.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of

Palm Beach assembled this 14th day of February 2017.

Gail L. Coniglio, Mayor	Town Council President
	Town Council President Pro Tem
	Town Council Member
ATTEST:	Town Council Member
Susan A. Owens, MMC, Town Clerk	Town Council Member

GT GreenbergTraurig

Jerry Stouck
Tel 202.331.3173
Fax 202.261.4751
stouckj@gtlaw.com

January 30, 2017

VIA EMAIL

Mr. Thomas Bradford
Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Engagement Letter - Town of Palm Beach

Dear Tom:

We greatly appreciate the Town of Palm Beach's (the "Town") decision to retain Greenberg Traurig LLP (the "Firm") to provide the Town with coastal program management lobbying services, commencing October 1, 2016. We are confident that we will be able to assist you with your immediate and long term needs. This agreement supersedes all previous engagement agreements for lobbying services (as opposed to legal services) and will remain in effect until such time as both parties agree in writing to changes, or until terminated as provided below.

It is the Firm's practice to provide an engagement letter to our clients setting forth our understanding of the services we will be expected to perform, and the basis for our compensation. As we have agreed, the Firm will undertake legislative and lobbying services necessary and appropriate to represent the Town with respect to Federal Government decision makers, both in Congress and in the Executive Branch, regarding such issues and matters as you may specify from time to time. In performing these services, we will look to the direction of you and other designated representatives.

In compensation for performing these functions, the Firm will be paid $2,500 per month plus any approved expenses, starting October 1, 2016, and until either party terminates this agreement, for any reason, upon 30 days written notice. All bills outstanding at the time of such termination will remain due and payable in accordance with this letter agreement.

In the event that your account should become more than sixty (60) days past due, we reserve the right, in our sole discretion consistent with the rules of professional conduct, to cease doing any work on any matter we are working on related to this project until past due amounts have been paid.

I will personally be in charge of the Firm's role on this engagement, and will assure that all necessary tasks are undertaken and completed in a timely manner. I will involve other attorneys and government affairs professionals as appropriate.

The representation may entail some work that is considered lobbying under the federal lobbying disclosure law. Given the terms set forth above, we anticipate that the Firm may be required to register and report our activities on your organization's behalf under the Lobbying Disclosure Act of 1995. We will notify you if such registration becomes necessary. In turn, you agree to provide such information as may be required to assist us in making such filings. If you have any questions regarding the circumstances relating to compliance with the Lobbying Disclosure Act, please do not hesitate to call.

The representation will not require the Firm to provide any services beyond the scope of the lobbying set forth above. In the event that any legal services are required, they will either be performed as part of the firm's ongoing legal representation of the Town, or we will require execution of a separate retention agreement.

Because we are a large, full-service law firm with offices located throughout the United States, attorneys in one office or practice area may be (and often are) asked to represent a client with respect to interests that are adverse to those of another client who is represented by the firm in connection with another matter. Just as you would not wish to be foreclosed in an appropriate situation from retaining a law firm that competes with Greenberg Traurig, our firm wishes to be able to consider the representation of multiple competitors in your industry or other clients who may have interests that are potentially adverse to yours, but with respect to matters that are unrelated in any way to our representation of you. The ethics governing the legal profession permit law firms to accept such multiple representations assuming certain criteria are met as discussed below.

During the term of this engagement, we agree that we will not accept representation of another client to pursue interests that are directly adverse to your interests unless and until we have made full disclosure to you of all the relevant facts, circumstances and implications of our undertaking the two representations and you have consented to our representation of the other client. You agree, however, that you will be reasonable in evaluating such circumstances and that you will give your consent if we can confirm to you in good faith that the following criteria are met: (1) there is no substantial relationship between any matter in which we are representing or have represented you and the matter for the other client; (2) our representation of the other client will not compromise any confidential information we have received from you; (3) our effective representation of you and the discharge of our professional responsibilities to you will not be prejudiced by our representation of the other client; and (4) the other client has also consented in writing based on our full disclosure of the relevant facts, circumstances and implications on our undertaking the two representations.

By making this agreement, we are establishing the criteria that will govern the exercise of your right under applicable ethical rules to withhold consent to our representation of another

client whose interests are adverse to yours. You will retain the right, of course, to contest in good faith our representation that the criteria have been met, in which event we would have the burden of supporting our representations to you.

The above provisions of this section address issues pertaining to consent and waiver of conflicts that may arise after the date of this agreement, and do not address how any such later-arising conflict may affect the Firm's representation of the Town.

We believe that the above provisions outline in reasonable detail our agreement concerning this representation. If you find these arrangements satisfactory, please sign this letter and return it to me, keeping a copy for your files. Our representation will conform to the terms of this agreement.

We sincerely appreciate the opportunity to represent the Town of Palm Beach, and look forward to a successful relationship.

Very truly yours,

GREENBERG TRAURIG, LLP



By: Jerry Stouck

TOWN OF PALM BEACH

By: _____
Thomas G. Bradford

Date: _____

TOWN OF PALM BEACH
Approved as to legal form and sufficiency:

_____
John C. Randolph, Town Attorney

Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 12-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Continued Services of Foley & Lardner, LLP, to Represent the Town for Coastal Management Lobbying Services at a Cost Not to Exceed $60,000 Annually.

Presenter
Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Memorandum dated February 7, 2017, from Tom Bradford, Town Manager**
- **Resolution No. 12-2017**
- **Engagement Letter From Foley and Lardner**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Coastal Management Program Lobbying Services-Foley & Lardner, LLP
Resolution No. 12-2017

Date: February 7, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 12-2017 authorizing the continued lobbying services of Foley & Lardner, LLP, to represent the Town for matters related to the Town's coastal management program for a total FY16/17 cost not-to-exceed $60,000.

GENERAL INFORMATION

This matter is a "housekeeping" item to update all standing contracts to match contract standards of the Purchasing Division. The Town and Foley & Lardner, LLP have had a successful relationship for approximately two years and they have been effective in representing the Town's interests.

FUNDING/FISCAL IMPACT

Foley & Lardner has a monthly retainer of $5,000 with the Town. If the resolution is approved, the FY 16/17 budget contains sufficient funds to pay up to $60,000 for coastal management program lobbying services to the firm as recommended in this memorandum.

PURCHASING REVIEW

This agenda item has been reviewed by the Purchasing Division of the Finance Department and approved as recommended.

TOWN ATTORNEY REVIEW

Resolution No. 12-2017 has been approved by the Town Attorney for legal form and sufficiency.

TGB:cek

Attachments

RESOLUTION NO. 12-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZNG THE CONTINUED SERVICES OF FOLEY & LARDNER, LLP, TO REPRESENT THE TOWN FOR COASTAL MANAGEMENT LOBBYING SERVICES AT A COST NOT TO EXCEED $60,000 ANNUALLY.

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

Section 1. The Town Manager is hereby authorized to execute a purchase order with Foley & Lardner, LLP, in the amount of $60,000 for coastal management program lobbying services.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary to effectuate the continued representation of the Town for its coastal management program by Foley & Lardner, LLP, to work with appropriate regulatory agencies to enhance beach renourishment opportunities and for related coastal program matters.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of

Palm Beach assembled this 14th day of February 2017.

Gail L. Coniglio, Mayor	Town Council President
	Town Council President Pro Tem
	Town Council Member
ATTEST:	Town Council Member
Susan A. Owens, MMC, Town Clerk	Town Council Member

FOLEY
FOLEY & LARDNER LLP

ATTORNEYS AT LAW
ONE INDEPENDENT DRIVE, SUITE 1300
JACKSONVILLE, FL 32202-5017
904.359.2000 TEL
904.359.8700 FAX
foley.com

904.359.8716
hvinyard@foley.com

CLIENT/MATTER NUMBER

February 1, 2017

Mr. Thomas G. Bradford, Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Revised Engagement Letter Agreement

Dear Mr. Bradford:

Thank you for selecting Foley & Lardner LLP (the "Firm") to represent the Town of Palm Beach (the "Town"). Although we regret the length and formality of this Engagement Letter Agreement ("Agreement"), it is important that we have a clear understanding of our working relationship going forward. Please do not hesitate to contact us if you have any concerns.

1. Scope of Engagement

This Agreement confirms the terms of this matter. As we discussed, the scope of our engagement will be to work with the appropriate regulatory agencies to enhance beach nourishment opportunities for the Town (the "Matter"). Should the Town retain the Firm for subsequent matters; the specifics of this Agreement will remain the same unless otherwise communicated.

2. Staffing

I will have primary responsibility for the Matter, but will utilize other Firm attorneys and paraprofessionals when that is appropriate and cost effective. We will keep the Town informed of our progress, and will respond to the Town as promptly as possible. In return, the Town agrees to keep us informed of any developments that affect the Matter as soon as the Town becomes aware of them, and to be available when we need to consult with the Town.

3. Conflicts of Interest, Advance Waiver of Conflicts, and Client Identity

As we have previously discussed, the Firm has a conflict or potential conflict arising out of our service as trial counsel for the Florida Department of Environmental Protection in a water dispute with the State of Georgia.

We believe that we can accept this representation if the Town consents. We believe this representation will not be compromised by our relationship with the Florida Department of Environmental Protection and that we will be able to provide competent and diligent representation to the Town in these matters. The Florida Department of Environmental Protection has already

consented to the Firm's representation of the Town provided that the Matter does not procced to litigation. By signing this letter, the Town is expressly waiving these conflicts.

Other than as mentioned above, we have determined that there is no present conflict of interest that prevents us from working on the Matter. However, as a large law firm, it is possible that during the course of our representation of the Town, Foley may be asked to represent another current or new client in a future matter that involves the Town. Or, conversely, you may in the future ask us to handle a matter involving another new or existing client of the Firm. In either instance, if the other client's interests and the Town's interests in the matter are directly adverse, the Firm may not handle the matter without your consent.

Subject to certain conditions, described below, by signing this letter or otherwise affirming its terms, the Town consents in advance to our handling of directly adverse matters, either for you when the matter involves another client or for another client when the matter involves the Town, that arise in the future in the following areas:

a. Counseling, advice, and negotiation regarding commercial agreements, rights, or obligations and preparation of commercial documents.

b. Arbitration, litigation, or other contested proceeding.

c. Advocacy before federal, state, and local governments and non-judicial governmental entities.

d. Bankruptcy or insolvency proceedings in which the client may have an interest.

e. Evaluation of intellectual property rights, such as claim scope analysis, infringement analysis, invalidity analysis, or analysis with respect to any other statutory or non-statutory requirement, participation in connection with contested and uncontested intellectual property proceedings before the USPTO, or prosecuting non-interfering IP for another client in a related technology.

As a condition of your consent, the Firm agrees that it will not handle directly adverse matters for other clients that are substantially related to any work the Firm performs for you.

Finally, unless specifically requested by you and agreed to by the Firm, the Firm's representation does not extend to your affiliates. Accordingly, the Firm may represent other clients in matters directly adverse to those affiliates. If you request and the Firm agrees to represent an affiliate, you agree that the affiliate is bound by the terms set forth in this Agreement.

4. Fees and Billing

The Town understands that the payment of the Firm's fees and costs is not contingent upon the outcome of the Matter.

a. We have agreed upon the following billing arrangement for the Matter. If the Firm and the Town agree to expand the scope of services as defined in this Agreement, the Firm reserves the right to re-negotiate the fee structure.

b. The Firm and the Town have agreed that the Town will pay $5,000 per month as a flat fee (otherwise known as a "fixed fee") for the Firm to represent the Town in the Matter. The terms of this agreement will remain in effect until such time that both parties agree to any changes. For the Town's payment of this flat fee, the Firm will perform legal or government affairs services as set forth in this Agreement. In the event that the Town decides to pursue a strategy not recommended by the Firm or expand the scope of the Matter beyond that defined in this Agreement, the Firm reserves the right to re-negotiate the flat fee.

c. Invoices are normally sent to the Town each month and reflect the services and expenses incurred the previous month. Payment is due promptly upon receipt. We will assess a late charge of 1% per month on any outstanding balance older than 60 days. In addition, subject to our rules of professional responsibility, we may also cease performing services for the Town until satisfactory arrangements have been made for payments of amounts outstanding in excess of 60 days and the payment of future amounts.

5. Limitations of Liability

Foley & Lardner LLP is a limited liability partnership under the laws of Wisconsin. This means the Town's right to recover damages in a legal malpractice action that may exceed our insurance and Firm assets is limited to the personal assets of the attorneys whose acts or omissions gave rise to the Town's claim.

6. Termination of Representation

a. Either of us may terminate this Agreement at any time for any reason by written notice. The Firm is subject to applicable rules of professional conduct when terminating a client engagement. If we terminate the engagement, the Firm will take all reasonable and practical steps to protect the Town's interests in the Matter and, at its request, suggest possible new counsel. We will provide new counsel with any papers the Town has given us.

b. Unless previously terminated, our representation of the Town in the Matter will end when we send our final invoice. After the Matter ends, there might be changes in laws or regulations that might affect the Town's future rights and liabilities, but the Firm

does not have an obligation to continue to advise the Town about future legal developments, unless the Town engages us to do so.

7. Disposition of Files and Records

a. Following the conclusion of the Matter, we will maintain the confidentiality of any of the Town's confidential information provided us in accordance with applicable rules of professional conduct. We will attempt to return to the Town of Palm Beach any original documents provided by the Town, or provided by a third party, unless the Town provides written authorization to destroy them.

b. The Firm has internal policies that determine the retention period for closed representation files, which includes all electronic or hard copy records related to the Matter. Therefore, we will retain the files pertaining to the Matter, including material prepared by or for the internal use of our attorneys, for a minimum period of ten (10) years following the conclusion of the Matter. Therefore, if the Town does not request return of this file material prior to the expiration of the retention period, the Firm reserves the right to destroy it at the end of the defined retention period without further notice to the Town. Upon the Town's reasonable request, the Firm will provide such portions of these file materials to the Town as required by the applicable rules of professional responsibility or other legal requirements. Unless applicable rules of professional responsibility require an earlier return, we may retain such file material pending receipt of payment of any outstanding fees or costs.

8. Communication

a. We often send to our clients information about the Firm or legal matters we think might be of interest to them. The Town agrees that we may send the Town this material, either by electronic mail or other means. The Town also agrees that we may communicate with the Town about this Matter by electronic mail on an unencrypted basis.

b. Either at the beginning or during representation, we might express opinions or beliefs concerning the Matter and the results that might be anticipated. Any such statement made by us is an expression of opinion only and is not a promise or guarantee of results.

c. The Town agrees that the Firm may list the Town on publicly disclosed lists and other materials as a client that the Firm represents.

9. Arbitration

Any dispute over fees and/or costs (a "Dispute") will be submitted to and settled exclusively by binding arbitration, in accordance with the provisions of this section, subject only to any applicable requirement of law that the parties engage in a preliminary non-binding mediation or arbitration regarding fee disputes. Binding arbitration shall be conducted in accordance with the Judicial Arbitration and Mediation Service Streamlined Rules & Procedures (the "JAMS Rules"). Arbitration shall be held in the County of Duval, before an arbitrator selected pursuant to the JAMS Rule who will have no personal or pecuniary interest, either directly or indirectly, from any business or family relationship with either of the parties. All decisions of the arbitrator will be final, binding, and conclusive on the parties.

The parties will equally share the costs of the arbitrator and the arbitration fee (if any). Each party will bear that party's own attorneys' fees and costs, and the prevailing party will not be entitled to reimbursement by the other party of any of its fees or costs incurred in connection with the arbitration hereunder, regardless of any rule to the contrary in the applicable arbitration rules. Either party may seek confirmation of the arbitration award in the Duval County Circuit Court, and each party hereby consents to the exclusive jurisdiction and venue of the Duval County Circuit Court in any claim or action arising hereunder. By signing this Agreement containing this provision, the Town agrees to waive any and all rights to a jury trial regarding any Dispute.

Before you sign this agreement you should consider consulting with another lawyer about the advisability of making an agreement with mandatory arbitration requirements. Arbitration proceedings are ways to resolve disputes without the use of the court system. By entering into agreements that require arbitration as the way to resolve fee disputes, you give up (waive) your right to go to court to resolve those disputes by a judge or jury. These are important rights that should not be given up without careful consideration.

Please confirm the Town's approval of this Agreement by signing and returning the enclosed duplicate copy in the envelope provided. If the Town has any questions, or if this Agreement does not accurately set forth our arrangement, please let me know.

We look forward to working with you on this Matter.

Sincerely,

FOLEY & LARDNER LLP

Herschel T. Vinyard, Jr.

AGREED AND ACCEPTED

TOWN OF PALM BEACH

BY: _____
Thomas G. Bradford

Town Manager

_____
Date

TOWN OF PALM BEACH

BY: _____
(Authorized Signature)*

Town Attorney

_____
Date

*Signed for legal form and sufficiency

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 13-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Continued Services of Ballard Partners to Represent the Town for General Lobbying Services at a Cost Not to Exceed $50,000 Annually.

Presenter
Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Memorandum dated February 7, 2017, from Tom Bradford, Town Manager**
- **Resolution No. 13-2017**
- **Engagement Letter-Ballard Partners and the Town, dated January 27, 2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Lobbying Services-Ballard Partners
Resolution No. 13-2017

Date: February 7, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 13-2017 authorizing the continued lobbying services of Ballard Partners, to represent the Town before the Florida Legislature and executive agencies of Florida government for a total cost not-to-exceed $50,000.

GENERAL INFORMATION

This matter is a "housekeeping" item to update all standing contracts to match contract standards of the Purchasing Division. The Town and Ballard Partners have had a successful relationship for many years and they have been effective in representing the Town's interests.

FUNDING/FISCAL IMPACT

Ballard Partners has a monthly retainer of $4,166.67 with the Town. If the resolution is approved, the FY 16/17 budget contains sufficient funds to pay up to $50,000 for lobbying services to the firm as recommended in this memorandum.

PURCHASING REVIEW

This agenda item has been reviewed by the Purchasing Division of the Finance Department and approved as recommended.

TOWN ATTORNEY REVIEW

Resolution No. 13-2017 has been approved by the Town Attorney for legal form and sufficiency.

TGB:cek

Attachments

RESOLUTION NO. 13-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZNG THE CONTINUED SERVICES OF BALLARD PARTNERS TO REPRESENT THE TOWN FOR GENERAL LOBBYING SERVICES AT A COST NOT TO EXCEED $50,000 ANNUALLY.

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

Section 1. The Town Manager is hereby authorized to execute a purchase order with Ballard Partners, in the amount of $50,000 for general lobbying services.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary to effectuate the continued representation of the Town for its lobbying services by Ballard Partners, before the Florida Legislature and executive agencies of Florida government.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of

Palm Beach assembled this 14th day of February 2017.

Gail L. Coniglio, Mayor	Town Council President
	Town Council President Pro Tem
	Town Council Member
ATTEST:	Town Council Member
Susan A. Owens, MMC, Town Clerk	Town Council Member

BALLARD | PARTNERS

January 27, 2017

Thomas G. Bradford, Town Manager
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Re: Engagement Letter - Town of Palm Beach

Dear Mr. Bradford

We greatly appreciate the Town of Palm Beach's (the "Town") decision to retain Ballard Partners (the "Firm") to provide the Town lobbying services, commencing October 1, 2016. We are confident that we will be able to assist you with your immediate and long term needs. This agreement supersedes all previous engagement agreements for lobbying services and will remain in effect until such time as both parties agree in writing to changes, or until terminated as provided below.

It is the Firm's practice to provide an engagement letter to our clients setting forth our understanding of the services we will be expected to perform, and the basis for our compensation. As we have agreed, the Firm will advocate the interests of the Client before the Florida Legislature and executive agencies of Florida government. Included within the scope of the Firm's duties is the advocacy for passage or defeat of legislation that is relevant to the Client. It shall further be the Firm's duty to inform the Client of developments in legislation and policy relevant to the Client's operations. In performing these services, we will look to the direction of you and other designated representatives.

In compensation for performing these functions, the Firm will be paid $4,166.66 per month plus any approved expenses, starting October 1, 2016, and until either party terminates this agreement, for any reason, upon 30 days written notice. All bills outstanding at the time of such termination will remain due and payable in accordance with this letter agreement.

I will personally be in charge of the Firm's role on this engagement, and will assure that all necessary tasks are undertaken and completed by our team. I will involve other attorneys and government affairs professionals as appropriate.

Given the terms set forth above, we anticipate that the Firm may be required to register and report our activities on your organization's behalf under the Lobbying Disclosure Act of 1995. We will notify you if such registration becomes necessary. In turn, you agree to provide such information as may be required to assist us in making such filings. If you have any questions regarding the circumstances relating to compliance with the Lobbying Disclosure Act, please do not hesitate to call.

The representation will not require the Firm to provide any services beyond the scope of the lobbying set forth above.

During the term of this engagement, we agree that we will not accept representation of another client to pursue interests that are directly adverse to your interests unless and until we have made full disclosure to you of all the relevant facts, circumstances and implications of our undertaking the two representations and you have consented to our representation of the other client. You agree, however, that you will be reasonable in evaluating such circumstances and that you will give your consent if we can confirm to you in good faith that the following criteria are met: (1) there is no substantial relationship between any matter in which we are representing or have represented you and the matter for the other client; (2) our representation of the other client will not compromise any confidential information we have received from you; (3) our effective representation of you and the discharge of our professional responsibilities to you will not be prejudiced by our representation of the other client; and (4) the other client has also consented in writing based on our full disclosure of the relevant facts, circumstances and implications on our undertaking the two representations.

By making this agreement, we are establishing the criteria that will govern the exercise of your right under applicable ethical rules to withhold consent to our representation of another client whose interests are adverse to yours. You will retain the right, of course, to contest in good faith our representation that the criteria have been met, in which event we would have the burden of supporting our representations to you.

The above provisions of this section address issues pertaining to consent and waiver of conflicts that may arise after the date of this agreement, and do not address how any such later-arising conflict may affect the Firm's representation of the Town.

We believe that the above provisions outline in reasonable detail our agreement concerning this representation. If you find these arrangements satisfactory, please sign this letter and return it to me, keeping a copy for your files. Our representation will conform to the terms of this agreement.

We sincerely appreciate the opportunity to represent the Town of Palm Beach, and look forward to a successful relationship.

Very truly yours,

BALLARD PARTNERS, INC.

Brian D. Ballard, President

TOWN OF PALM BEACH

_____
Thomas G. Bradford, Town Manager

Date:_____

TOWN OF PALM BEACH

Approved as to legal form and sufficiency:

_____
John C. Randolph, Town Attorney

Date:_____

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 14-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Interlocal Agreement Between the Town of Palm Beach and Palm Beach County Relating to Information Technology Services Installation of a Fiber Data Circuit; Approving the Installation of a New Fiber Circuit by Palm Beach County Information Technology Services in the Amount of $10,625.50 With Recurring Charges of $50.00 per Month or $600.00 Annually for Network Services; Approving the Purchase of a Cisco Router from CDW-G in the Amount of $1,488.70; and the Total Estimated Amount of $12,714.20; Establishing a Budget of $17,714.20 for Said Purchases; and Authorizing the Town Manager to Execute Said Purchases on Behalf of the Town.

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated February 1, 2017, from Charles Kapachinski, Information Technology Manager**
- **Resolution No. 14-2017**
- **Agreement with Palm Beach County ISS**
- **Quote from CDW-G**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

From: Charles Kapachinski, Information Technology Manager

Re: Approval to Enter into an Interlocal Agreement with Palm Beach County Relating to Information System Services Installation of a new Fiber Circuit and to Purchase a Cisco Router from CDW-G.
Resolution No. 14-2017

Date: February1, 2017

STAFF RECOMMENDATION

The Office of Information Technology is recommending the execution of an Interlocal Agreement between the Town of Palm Beach and Palm Beach County for the installation of a dedicated fiber circuit that will be used to connect the Town and PBSO and the purchase of a Cisco Router to support a private data line with Palm Beach County Sheriff's Office (PBSO). Staff is recommending the adoption of Resolution No. 14-2017 which authorizes the Mayor to execute the Interlocal agreement with Palm Beach County and the Town Manager to approve issuance of purchase orders to Palm Beach County Information Systems Services (PBCIIS) for a new fiber circuit and to CDW-G for the purchase of a new Cisco router expend the funds from the FY2017 budget.

GENERAL INFORMATION

In September of 2016 AT&T terminated a data connection between the Town of Palm Beach and PBSO because of dated technology. This data circuit allowed the Police Department to query the Sheriff's office local database as well as the Law Enforcement Exchange (LEX) databases. With the termination of the AT&T circuit, the Town is unable to adequately connect to and query those data sources.

Palm Beach County Information Systems Services (ISS) division currently provides fiber data circuits to several local municipalities, which in turn, supports a connection to PBSO. Palm Beach County ISS was contacted and is able to provide a fiber circuit to the Town and relay that connection to PBSO. The installation fees to the County ISS are $10,625.50 with a monthly fee of $50 for a dedicated 10MB fiber circuit. The purchase of a dedicated router is needed to connect to PBSO due to FDLE requirements regulating the transmission of data between law enforcement agencies. This requirement mandates that private and dedicated routers are installed and managed by the law enforcement agencies. The new router will be purchased from CDW-G with pricing quote from the Florida Cisco WCSA contract in the amount of $1,488.70.

FUNDING/FISCAL IMPACT

These purchases will come from the Police Department's Major Computer Equipment account (001.45.425.521.60.64.04) for the installation fees, which will be offset from vacancies in Communication, and the Data Line/Radio Base account (001.45.425.521.30.41.03) for the monthly recurring costs.

PURCHASING REVIEW

The Purchasing Division of the Finance Department has reviewed and approved this item as recommended.

TOWN ATTORNEY REVIEW

The resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Finance Director
Adis Pedraza, Purchasing Manager
John C. Randolph, Town Attorney

RESOLUTION NO. 14-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND PALM BEACH COUNTY RELATING TO INFORMATION TECHNOLOGY SERVICES INSTALLATION OF A FIBER DATA CIRCUIT; APPROVING THE INSTALLATION OF A NEW FIBER CIRCUIT BY PALM BEACH COUNTY INFORMATION TECHNOLOGY SERVICES IN THE AMOUNT OF $10,625.50 WITH RECURRING CHARGES OF $50.00 PER MONTH OR $600.00 ANUALLY FOR NETWORK SERVICES; APPROVING THE PURCHASE OF A CISCO ROUTER FROM CDW-G IN THE AMOUNT OF $1,488.70; AND THE TOTAL ESTIMATED AMOUNT OF $12,714.20; ESTABLISHING A BUDGET OF $17,714.20 FOR SAID PURCHASES; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID PURCHASES ON BEHALF OF THE TOWN.

WHEREAS, the Town of Palm Beach and Palm Beach County desire to enter into an agreement which provides the installation of a data circuit; and

WHEREAS, staff has recommended the purchase of services from Palm Beach County Information System Services to install a new fiber circuit, and the purchase of a Cisco router from CDW-G with quotes attached hereto as Exhibit "B".

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

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: The Town Council of the Town of Palm Beach hereby authorizes the Mayor to execute the Interlocal Agreement, along with any other related documents as may be necessary to achieve these purposes.

Section 3: The quote for the purchase of services from Palm Beach County Information Systems Services to install a new fiber circuit in the amount of $10,625.50 and annual charges of $600.00 hereto as Exhibit “A”; quote for CDG attached hereto as Exhibit "B" in the amount of $1,488.70, and incorporated by reference as a part of this resolution are hereby approved and the Town Manager is authorized to execute said purchases on behalf of the Town.

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of February 2017.

Gail L. Coniglio, Mayor	, Town Council President
	, Council President Pro Tern
	, Town Council Member
ATTEST:	, Town Council Member
Susan A. Owens, MMC, Town Clerk	, Town Council Member

Interlocal Agreement

This Interlocal Agreement ("Agreement") for information technology ("IT") services is entered into this _____day of _____, 2017, by and between the Town of Palm Beach ("Town") and Palm Beach County ("County") a political subdivision of the State of Florida.

WITNESSETH THAT:

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined herein to enter into Agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, the Town and the County have recognized the need for the Town to obtain IT services ("IT") for the purpose of gaining access to IT resources at a cost savings due to the ability of Palm Beach County to leverage its resources for the greater good of citizens of Palm Beach County, the State of Florida, and any public sector organization that can benefit from these services; and

WHEREAS, in recognizing these facts, the Town and the County desire to enter into such an agreement which provides for the joint use of such IT assets and establishes policies for its use by each organization.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the parties do mutually agree as follows:

Section 1 Purpose

The purpose of this Agreement is to provide IT services to the Town for the purposes described in the attached Exhibit A.

Section 2 Approval

The County approves of the Town's participation in the use of the County's IT resources and any other services as specified in the attached Exhibit A.

Section 3 Exhibits

The attached Exhibit A made a part hereof, delineates the services to be provided to the Town by the County through its Information Systems Services (ISS) Department, identifies the roles and responsibilities of the County and the Town in this regard, and sets forth an issue, communication, escalation and resolution process, as well as methodologies for billing and paying the quarterly service charges for IT services.

Section 4 Term

The term of this Agreement including Exhibit A, unless terminated as provided herein, is for a period of one (1) year. This Agreement and Exhibit A shall automatically be renewed annually unless either party gives written notice of termination as provided for in Section 6 herein. The effective date is the date of approval by the Board of County Commissioners.

Section 5 Resale of IT Services

The Town shall not share or resell any portion of the County's IT Infrastructure or Services in any manner not approved of in this Agreement or without explicit written consent from Palm Beach County, which consent shall not be unreasonably withheld.

Section 6 Termination for Convenience

Either party may terminate its participation in this Agreement upon sixty (60) days written notice to the other party. Notwithstanding the foregoing, each party shall endeavor to provide the other party with as much advance notice as practicable if it contemplates that it might desire to terminate this Agreement, so as to allow the non-terminating party the maximum amount of time to make alternative plans to replace the lost services/revenue. In such event, the terminating party shall pay all sums due through the effective date of the termination.

Section 7 Indemnification and Hold Harmless

The Town and the County recognize their respective liability for certain tortious acts of its agents, officers, employees, and invitees, and agree to be responsible, respectively, for all claims, liability, losses, and/or causes of action that may arise from any negligent act or omission due to the acts of its agents, servants, or employees. Such liability is subject to the provisions of law, including the limits included in Section 768.28, Florida Statutes, which sets forth the partial waiver of sovereign immunity to which governmental entities are subject. It is expressly understood that this provision shall not be construed as a waiver of any right or defense that the parties have under Section 768.28 or any other statute.

The parties to this Agreement acknowledge the potential of unlawful hacking to gain surreptitious access into confidential systems. The County has deployed reasonable steps and safeguards as part of a Network security program, but these systems may not be able to defeat every attempt to gain unlawful access to applications or data. Each party is responsible for protecting its own applications, databases, and servers. Each party, however, shall review each other's security procedures and notify each other with reasonable promptness of concerns or issues regarding the same.

Section 8 Insurance

Insurance requirements are identified by the services obtained and are included in the Exhibit(s).

Section 9 Damage Caused by Disasters

Should the County's IT infrastructure be damaged or destroyed by a natural or man-made event to the extent that the cost to repair or replace these services becomes economically unfeasible, this Agreement is automatically terminated at the sole discretion of the County, unless the governing bodies of both the Town and County authorize its continuation and associated funding to repair or restore the affected area(s).

Section 10 Miscellaneous

No provision in this Agreement shall provide to any person not a party to this Agreement any remedy, claim, or cause of action, or create any third-party beneficiary rights against either party. In the event that any one or more of the provisions in this Agreement shall for any reason be held to have no force and effect, this Agreement shall, if possible, be interpreted in a manner so as to effectuate the intention of the parties. Provisions contained in this Agreement that, by their sense and context, are intended to survive the suspension or termination of this Agreement shall so survive. All disputes related to this Agreement shall in the first instance be referred to the appropriate executives of each party for resolution.

Section 11 Notice

Any notice, request, instruction, demand, consent, or other communication required or permitted to be given under this Agreement shall be in writing and shall be delivered either by hand or by certified mail, postage prepaid, and certified return receipt requested to the following addresses or such other addresses as the parties may provide to each other in writing:

To: Town of Palm Beach
Thomas G. Bradford, Town Manager
P.O. Box 2029
Palm Beach, FL 33480
(Telephone: 561-838-5410)

With a copy to: John C. Randolph, Esq. Town Attorney
P.O. Box 2029
Palm Beach, FL 33480
(Telephone: 561-838-5400)

To: **COUNTY**: Verdenia C. Baker, County Administrator
c/o Steve Bordelon, Information Systems Services Director
Palm Beach County Board of County Commissioners
301 N. Olive Avenue, 8th floor
West Palm Beach, FL 33401
(Telephone: 561-355-2394)

With a copy to: County Attorney's Office
Palm Beach County Board of County Commissioners
301 N. Olive Avenue, Suite 601
West Palm Beach, FL 33401
(Telephone: 561-355-2225)

Section 12 Entire Agreement

This Agreement represents the entire agreement between the Town and the County and supersedes all prior agreements or representations, whether written or oral, with respect to the subject matter hereof. No provision of this Agreement may be changed or amended except by written agreement signed by both parties. This Agreement shall be binding upon the Town and the County and their respective successors and assigns.

Section 13 Filing

This Agreement shall be filed with the Palm Beach County Clerk & Comptroller's Office.

Section 14 Participation

This Agreement shall not be construed against the party who drafted the same as all parties to this Agreement have participated in drafting the same.

Section 15 Venue for Dispute Resolution

This Agreement shall be construed in accordance with the laws of the State of Florida. Should any litigation arise from this Agreement, venue shall lie in Palm Beach County, Florida.

Section 16 Binding Agreement

This Agreement is binding upon the parties hereto, their heirs, successors, and assigns.

Section 17 Subject to Funding

Each party's performance and obligations for subsequent fiscal years are contingent upon annual appropriations for its purpose.

Section 18 Nondiscrimination

Both parties warrant and represent that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.

Section 19 Access and Audits

The Town shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing any work under this Agreement for at least three (3) years after completion or termination of this Agreement. The County shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit during normal business hours, at the Town's place of business.

Section 20 Inspector General

Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 – 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts/agreements, transactions, accounts and records, to require the production of such records, and to audit, investigate, monitor, and inspect the activities of the Town, its officers, agents, employees, and lobbyists in order to ensure compliance with contract/agreement requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interference or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 – 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

Section 21 Regulations, Licensing Requirements

The Town shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, to include those applicable to conflict of interest and collusion. The Town is presumed to be familiar with all federal, state and local laws, ordinances, codes and regulations that may in any way affect the services offered.

(The remainder of this page intentionally left blank.)

ATTEST:

Sharon R. Bock, Clerk & Comptroller

Palm Beach County, By Its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Steve Bordelon, Director, ISS

Town of Palm Beach

By: _____
Susan A. Owens, Town Clerk

By: _____
Gail L. Coniglio, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
John C. Randolph, Esq. Town Attorney

EXHIBIT A

PALM BEACH COUNTY INFORMATION SYSTEMS SERVICES NETWORK SERVICES

The purpose of this Exhibit is to delineate the network services to be provided to the Town of Palm Beach ("Town") by Palm Beach County ISS ("County") to identify the roles and responsibilities of the County and the Town in this regard, to establish a problem resolution and issue escalation procedure, and to specify associated costs and payment requirements.

Section A: General Requirements for Network Services

Network services must be approved by both the County and the Town if said connection affects the entire network. However, all network services must meet the agreed-upon technical specifications.

The County shall provide the Town with access to the County's network on a best-effort basis and as otherwise provided for herein.

Section B: Responsibilities for Network Management

The County shall be responsible for the routine, day-to-day management of the County network. Each party shall be responsible for day-to-day administration of the network routers which they individually own.

The County shall be responsible for maintaining the primary network and all auxiliary components of the network which exclusively serve County facilities. The County shall also maintain auxiliary portions of the network which service both County and Town owned facilities. The Town shall maintain that portion of its own network which exclusively serves its facilities.

The County shall monitor bandwidth utilization on any network link between the County and the Town.

Should the County perform repair and maintenance functions on behalf of the Town, it is with the understanding that the County's responsibility extends only to the Town "demarcation point." The demarcation point is the location which defines where issues of maintenance responsibilities begin and end, considered to be County-owned network equipment inside each of the Town's buildings or facilities connected to the County network. The County will be responsible for maintaining all network infrastructures to the point of the network equipment connection to the Town demarcation point(s). Entrance facilities at Town owned locations from the road to demarcation point belong to the Town, whereas the fiber within may belong to the County.

Maintenance and restoration work provided by the County shall be limited to the fiber optic cable and service drops, the individual fibers within the cable and service drops, all 802.16 radio equipment, and the County routers installed at the Town. The County shall have no obligation or right to perform maintenance or restoration on any electronics or other equipment owned by the Town or any third party. Notwithstanding the foregoing, should the need arise for maintenance or restoration, the parties hereto may agree to an amendment to this Agreement permitting The County to perform maintenance or restoration on Town owned electronics or other equipment.

The County shall provide maintenance to County owned and operated equipment on a 7-day/24-hour basis and may contract for repair services when deemed necessary. The County shall abide by agreed upon security requirements of the Town. In the event that an outside contractor is needed, the County shall select, supervise, and coordinate with the contractor to complete the repair.

Section C: <u>Network Equipment Ownership</u>

The County, as represented by the County, shall own all of its network equipment and assets. The Town shall continue to maintain ownership of its current network assets. Only the County is permitted to connect, expand, or otherwise routinely modify its network components. Furthermore, any and all technological changes relative to the network will be implemented at the discretion of the County. Notwithstanding the foregoing, the County agrees to use its best efforts to keep pace with technological changes.

Should the Town receive grant funds to assist with the construction or maintenance of the network, any provisions, limitations, or restrictions associated with the grant(s) shall not affect or apply to the County, and vice versa.

Section D: Network Connection

The Town will be provided with a connection to the Palm Beach County fiber network to meet the network service requirements as specified in this Exhibit. The Town shall pay the installation charges and monthly charges as set forth in this Exhibit.

Section E: Modifications to Network

If the Town proposes a modification or connection of a new building to the network, it shall notify and submit any applicable construction documents to the County at least thirty (30) calendar days prior to the date construction activities are expected to commence. Should the planned activities of the Town require the network to be upgraded, the Town shall be solely responsible for payment of all costs associated with such modifications, unless there is prior agreement with the County to participate in a cost-sharing arrangement for the modification.

The County shall review the modification proposals as soon as practicable and will render recommendations with regard to the proposed modification. Any modifications or connections to the network that may cause disruption or interference of service to any network users shall be coordinated with the appropriate technical staff of both the Town and the County. The County agrees to perform such work at a time and in a manner to minimize disruption and interference to the network users.

When either the Town or the County enters into a contract with an outside contractor for network-related services which benefit only that party, the contracting party shall be individually responsible for remitting payment to the contractor performing work on the network, and the non-contracting party shall not be responsible or held liable for such payment. However, proposed changes to the network must be communicated in writing to the County for review and approval. The parties however agree to comply with network security provisions.

Section F: Network Interferences

The County shall have no requirement to purchase, install, operate, or maintain any equipment on the premises of the Town. However, should any equipment owned by the Town render any harmful interference to the County's network equipment, the County may disconnect any or all Town owned network connections after informing the Town's designated technical Point of Contact (POC) of the underlying reasons for the planned action to disconnect network facilities. Immediate efforts will focus on attempting to resolve or remove the threat conditions. The County shall be the sole party to determine if harmful interference has impacted the County network. The County will utilize its best efforts to prevent any unanticipated network outages should interferences be noted.

Section G: Damage Caused by Disasters

Should the network sustain damage to an Auxiliary Route used only by either the Town or the County, the owning party shall determine if the cable will be repaired or replaced.

Section H: Network Security

The parties to this Exhibit acknowledge the potential of unlawful hacking to gain surreptitious access into confidential systems. The County has implemented reasonable steps and safeguards as part of a network security program, but these systems may not be able to defeat every attempt to gain unlawful access to applications or data. Each party is responsible for protecting its own applications, databases, and servers. Each party, however, shall review each other's security procedures and notify each other with reasonable promptness of concerns or issues regarding the same.

Section I: Description of Services

A. Baseline services from the County through the County will include:

1. ongoing maintenance of connectivity to the demarcation point(s);
2. central network security at the County router port that feeds the Town network router connection;

   If necessary, security may shut down the Town's entire building feed to protect the networked systems from computer worms and viruses.

3. network design;
4. acquisition and management of network assets;
5. installation or relocation of network connections, wiring upgrades, installation of bandwidth upgrades, or other specialized services;
6. network equipment installation and maintenance;
7. network security on County side of the demarcation point;
8. monitoring of network performance;
9. trouble reporting and tracking;
10. maintenance of the environmental factors in the County's facilities and closets housing equipment crucial to the health and stability of the Network, including air conditioning, power conditioning, and UPS equipment; and
11. disaster recovery protection, system reliability, and stability during power outages.

B. Town Responsibilities will include:

1. all intra-building Network maintenance and security ;
2. ensuring that back-door connectivity behind the building router is prohibited;
3. provisioning of its Dynamic Host Configuration Protocol (DHCP) services;
4. building infrastructure connectivity;
5. all grid (jack), wiring identification, and tracking for Town owned facilities;
6. providing, where possible, network engineers or technicians to assist with all portions of network equipment attachments, from provisioning to troubleshooting;

   Initial diagnostic actions will ideally be performed by the Town technical staff to evaluate whether the cause of any system problem is associated with factors under the control of the Town.

7. ensuring that network security hardware and software is installed in order to minimize the risk of a virus and surreptitious or otherwise inappropriate network entry;

   The Town will ensure that security procedures, hardware, and software are in place to prevent unauthorized access to the County network from Town owned network property.

8. requesting changes in network equipment attachments services;

Requests for changes shall be submitted to ISS Director, or designee, for action. The Town shall be advised of the disposition of the request within thirty (30) calendar days of submission. Such request shall include extension of network services to additional sites identified by the Town. The Town shall be responsible for all reasonable costs associated with requested changes to network services approved by the County, which approval shall not be unreasonably withheld.

9. providing, at its expense, the following equipment and facilities at each Town owned building (if required):

    an environmentally stable and secure area large enough to accommodate a 19"-wide rack with a height up to 7 feet; and

    This area shall contain two (2) dedicated electrical circuits for providing power to the switching equipment.

    air conditioning units which deliver a capacity of BTUs to the equipment room as specified by the manufacturer of equipment installed at the Town's site.

    The Town shall periodically monitor the air conditioning units to ensure temperatures are within acceptable limits.

10. adhering to a documented plan of security strategies deployed to prevent unauthorized access into the physical location(s) where network access could be gained, and ensuring that it has robust and efficient security software and procedures in place to prevent unauthorized access to the network; and
11. promptly paying for the County's charges, such charges being set out in Section N of this Exhibit, which charges will be invoiced quarterly.

Section J: Availability of County Network Services

The County will provide the Town with access to the County network on a best-effort basis. The County's goal will be to provide 99.9% availability. The County reserves the right to prioritize its maintenance and recovery efforts, while at the same time providing availability to the Town.

In the event that Network availability is documented by the County and declared by the Town to be less than 99.9% for two (2) consecutive months, the Town shall not be liable for service charges beyond the date of said declaration of non-performance until service is satisfactorily

restored. The reduction of previously paid or dismissal of unpaid service fees will be calculated on a pro-rata basis.

Section K: Protocol for Reporting Network Service Problems

All service issues should first be reported to the Town's IT support staff. If the Town's initial diagnosis of the reported problem indicates that it is related to network connectivity (e.g., connection lost, slow response time) rather than a problem at the application, server, or desktop computer level, the IT technician should immediately report the service problem to the County Network Operations Center at 561-355-HELP (4357). All service problems reported by the Town will be recorded and tracked in the County's Automated Help Desk System until problem resolution and service restoration. Response time service levels are established at the time the call is reported based on the severity of the issue. The service level target for problem diagnosis and response to the Town is within one (1) hour of the reported problem. The County also employs an escalation process for problems which are not resolved according to the established standards.

Section L: Access for Network Service and Maintenance

The County shall coordinate with and obtain prior written approval from the Town designee as to the time of any planned maintenance, repair, or installation work. However, the Town shall provide the County with access to its equipment on a 24-hour/7-day per week basis. During normal business hours, the County shall ensure that all the County personnel or contractors representing the County sign in prior to commencing any work, and sign out prior to leaving the facility. On weekends, holidays, or after normal business hours, the County's representative shall call the Town to report any emergency that requires access to any Town owned facility. The Town shall make reasonable efforts to arrange for access of the County's personnel as quickly as possible.

The County shall supply the Town with a list of authorized the County employees who will carry in their possession badges for identification purposes**.**

The County represents that it has verified that neither the County nor the County's contractors, nor any of their respective employees, agents, or representatives who have been convicted or

who are currently under investigation for a crime delineated in Florida Statutes §435.04 shall have access to Town owned buildings under the Agreement.

Section M: Issue Escalation Contacts

Palm Beach County ISS

Palm Beach County 24x7 Network Services Help Desk: 561-355-HELP (4357)

Michael Butler, Director of ISS Network Services
561-355-4601 (office)
561-722-0850 (cell)

Phil Davidson, Deputy Director of ISS
561-355-3956 (office)
561-722-3349 (cell)

Steve Bordelon, Director of ISS
561-355-2394 (office)
561-386-6239 (cell)

Town Information Services

Charles Kapachinski, IT Manager
561-227-6310 (office)
CKapachinski@TownofPalmBeach.com

Section N: Fees and Charges for Network Connectivity and Related Services

One of the goals of this Agreement is to establish the lowest competitive pricing for the County's network services provided to the Town.

The County will serve as project manager and incur all costs associated with the installation and connection of the network and network equipment at the Town's building. The Town will be responsible for reimbursement to the County of said costs, as listed and described in the Table below under "Installation Charges".

Service charges, as listed and described in the Table below, will be assessed on a monthly basis, and the County will invoice the Town quarterly.

Town Network Service and Billing Matrix						
Location	**Service Start Date**	**Band-width**	**Installation Charges**	**Monthly County Charges**	**Monthly FL LambdaRail Charges**	**Yearly Charges** *(excl. Install)*
360 South County Road, Palm Beach, FL 33480	4/1/2017	10Mb	$10,625.50	$50	$0	$600
TOTALS			**$10,625.50**	**$50**	**$0**	**$600**

Explanation of Charges:

Installation Charges – This is an estimated cost. The actual final cost for this installation will be billed to the Town as a one-time invoice based on (1) the billing statement from the vendor for this work and (2) the actual cost to County of the equipment installed and labor.

Monthly County Charges – The monthly charge paid by the Town based on the County Rate Sheet for Network Services.

Monthly Florida LambdaRail (FLR) Charges – FLR fee does not apply as usage is for transport only.

Yearly Charges – The total annual recurring charges, excluding installation charges, paid by the Town.

The County has received approvals from the FLR for the Town to be connected to the Palm Beach County fiber network and gain access to the FLR for either internet or transport purposes.

N1. Omitted

N2. Billing and Payment

The County shall submit quarterly invoices to the Town which shall include a reference to this Agreement and identify the amount due and payable to the County. Payment will be made in accordance with the Florida Local Government Prompt Payment Act, as amended, which also establishes a process and remedies for non-compliance.

Section O: Additional IT Services

Upon request for assistance, the ISS Director may, at the Director's discretion, permit staff resources to assist the Town in the execution of certain information technology responsibilities. These additional services can be requested by submitting a Task Order (Attachment 1). These

services will be charged at the rate of $125/hour with a not-to-exceed cost of $50,000 per Task Order. These services may also require the purchase of additional resources, including but not limited to hardware and software. The Town is responsible for all associated costs for these additional resources. An estimate for each Task Order will be available upon request by the Town. The Town agrees to fully reimburse the County for all costs associated with the rendering of the County staff assistance and/or information technology resources. If the cost of services exceeds $50,000, the Task Order shall be approved by the Board of County Commissioners.

Section P: Annual Review of Fees and Charges

The County reserves the right to review the fees and charges included in this Exhibit on a yearly basis and make appropriate rate adjustments. Should an adjustment be warranted, sixty (60) days notice will be provided. Any such rate adjustments shall be reduced to writing via an Amendment to be executed by all parties.

Section Q: Insurance

This section does not apply to Network Services.

QUOTE CONFIRMATION

DEAR CHARLES KAPACHINSKI,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. Click here to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
HRBQ313	1/27/2017	HRBQ313	10249565	$1,488.70

IMPORTANT - PLEASE READ

Special Instructions: TAX:MULTIPLE TAX JURISDICTIONS APPLY
TAX: CONTACT CDW FOR TAX DETAILS

QUOTE DETAILS

ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Cisco 1921 SEC T1 Bundle - router - DSU/CSU - desktop, rack-mountable Mfg. Part#: CISCO1921-T1SEC/K9 UNSPSC: 43222609 TAX: PALM BEACH, FL .0000% $.00 Contract: Florida Cisco WSCA Contract (AR233 4322000-WSCA-14-ACS)	1	2104415	$1,423.00	$1,423.00
Cisco SMARTnet extended service agreement Mfg. Part#: CON-SNT-1921T1SC UNSPSC: 81111812 Electronic distribution - NO MEDIA TAX: PALM BEACH, FL .0000% $.00 Contract: Florida Cisco WSCA Contract (AR233 4322000-WSCA-14-ACS)	1	2131953	$65.70	$65.70

PURCHASER BILLING INFO		
Billing Address: TOWN OF PALM BEACH FINANCE DEPT PO BOX 2029 PALM BEACH, FL 33480-2029 **Phone:** (561) 838-5406 **Payment Terms:** MasterCard/Visa Govt	**SUBTOTAL**	$1,488.70
	SHIPPING	$0.00
	GRAND TOTAL	**$1,488.70**
DELIVER TO	**Please remit payments to:**	
Shipping Address: TOWN OF PALM BEACH INFORMATION SYSTEMS 360 S COUNTY RD PALM BEACH, FL 33480-6735 **Shipping Method:** DROP SHIP-GROUND	CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

Need Assistance? CDW•G SALES CONTACT INFORMATION

Gina Sperando | (877) 535-5650 | ginaspe@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 15-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Richard Maxwell, Inc. DBA King Tree Service, for Consulting Arborist Services, in the Annual Amount of $44,200, and Establishing an Annual Project Budget of $48,865.

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

ATTACHMENTS:

- **Memorandum dated January 23, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 15-2017**
- **RFP No. 2013-17**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization for a Contract Extension to Richard Maxwell, Inc., DBA King Tree Service, for Consulting Arborist Services
Resolution No. 15-2017

Date: January 23, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 15-2017 authorizing the fourth (4^{th}) twelve (12) month extension to Richard Maxwell, Inc., dba King Tree Service, for Consulting Arborist Services, in the annual amount of $44,200 and establishing an annual project budget of $48,865.

GENERAL INFORMATION

The Town utilizes a consulting arborist to provide a monthly inspection of trees in Town rights-of-way and on Town property. The consultant additionally provides advice on different types of tree treatments, landscaping, fertilization, and pest control at various Town sites on an as-needed basis. The consultant meets with Town staff to identify, discuss, develop, and inspect the results of the treatment programs. The consultant also assists with the annual inspection of the Town's historic and specimen trees, and provides reports and advice on the proper care, maintenance, and trimming of those trees.

The Town issued RFP #2013-17 for consulting arborist services. Richard Maxwell was awarded the contract on May 7, 2013 and has performed satisfactorily. The contract provides for the option of four (4) twelve (12) month renewals with all original terms, conditions, and pricing. This is the fourth (4^{th}) renewal to this contract. The contractor has requested a CPI increase of 1.6% as detailed in the terms of his contract. This will increase his hourly rate from $136.62 per hour to $138.81 per hour.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works Department operating budget to perform this service. The contract award amount is an estimate based upon the anticipated number of hours, at the proposed unit rate. A contingency amount of ten percent (10%) is included in the overall budget, to allow for unforeseen tasks and emergency work. Subject to FY2018 budget approval, the authorization to issue a purchase order for the work next fiscal year is also requested.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed by the Town Attorney and approved as to legal form and sufficiency.

Attachment

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 15-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO RICHARD MAXWELL, INC., DBA KING TREE SERVICE, FOR CONSULTING ARBORIST SERVICES, IN THE ANNUAL AMOUNT OF $44,200, AND ESTABLISHING AN ANNUAL PROJECT BUDGET OF $48,865.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

WHEREAS, a contract was awarded on May 17, 2013, to Richard Maxwell, Inc., dba King Tree Service to provide palm tree trimming services to the Town of Palm Beach; a copy of which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, vendor has agreed to an extension of the terms and conditions of the said contract, and Richard Maxwell, Inc., dba King Tree Service's acceptance of which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, Richard Maxwell, Inc., dba King Tree Service provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

Section 1: The Town Council of the Town of Palm Beach hereby approves a contract extension to Richard Maxwell, Inc., dba King Tree Service, in the annual amount of $44,200, for consulting arborist services, and establishes an annual project budget of $48,865. This contract extension is for a period of one (1) year.

Section 2: The Town Manager is hereby authorized to execute this contract extension on behalf of the Town of Palm Beach and to issue a purchase order pro-rated for the remainder of FY2017 and for work in FY2018 (subject to budget approval).

Section 3: The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the implementation of this contract, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, Council President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

TOWN OF PALM BEACH

PURCHASING DIVISION

December 13, 2016

Richard Maxwell
King Tree Service
P.O. Box 210847
Royal Palm Beach, FL 33421
Email: richard@kingtreeservice.com

Ref: RFP No. 2013-17 – Consulting Arborist
Year 5 of Contract – 4th Renewal

Dear Richard:

As specified in the RFP document, we have an option to renew the existing contract for another one year period if it is mutually agreeable to all parties.

Please advise by signature below, if a one-year extension of our current contract at same terms, conditions, specifications and pricing stated in your bid dated April 3, 2013 would be acceptable.

Please, complete and return this form to the Purchasing Division by no later than 2:00 PM December 19th, 2016. Your response may be emailed to sshea@townofpalmbeach.com or faxed to 561-835-4688.

Sincerely,

Sandy Shea
Sandy Shea
Public Works Buyer

X I hereby agree to a one year extension of the subject bid, I am requesting the annual COLA to which I am entitled.

____ I do not approve a one year extension of the subject bid for the following reasons:

_____

_____

Richard Maxwell, pres — 12/16/16

SIGNATURE — DATE

_____

951 Okeechobee Road • Suite D • West Palm Beach, Florida 33401
Telephone: (561) 838-5406 • Facsimile (561) 835-4688

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 16-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of $95,080 for the E-1, E-2, E-4 and G-1 Sanitary Station Improvements, and Establishing a Design and Bid Phase Budget of $106,000.

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

ATTACHMENTS:

- **Memorandum dated January 20, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 16-2017**
- **Kimley-Horn Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Design and Bid Phase Engineering Services for the E-1, E-2, E-4 and G-1 Sanitary Station Improvement Project
Resolution No. 16-2017

DATE: January 20, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 16-2017 approving a purchase order to Kimley-Horn and Associates, Inc. (KHA), for engineering design and bid phase services in the amount of $95,080 for E-1, E-2, E-4 and G-1 Sanitary Station Improvement Project and establishing an engineering design and bid phase services budget of $106,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program Phase II, a condition assessment was performed by Mock Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations. The stations in the assessment were graded from 1 "in like new condition" to 5 "in need of immediate replacement". The E-1 (on Mediterranean Road), E-2 (on N. Lake Way between Nightingale Trail and Mockingbird Trail), E-4 (on Lake Trail near Hi-Mount) and G-1 (Pinewalk) all received a conditional assessment value of 4 for limited elements within each station, meaning improvements were needed in the next 2-5 years. Some of the repairs needed to the stations are: replace pumps and rails, add sump pumps to valve vaults, replace valves, conduits, seals, wiring, controls, widen and replace access hatches, and repairs to the structures themselves. The design of each of these improvements was included in the Pay-As-You-Go Five Year Capital Improvement Plan, Fiscal Year 2017 budget.

KHA was selected from the continuing services professional service agreement pool of consultants. The selection was based on qualifications and the amount of work given to each of the consultants under the continuing services contracts. KHA has been awarded the least volume of work out of the four (4) consultants. With Purchasing's assistance, staff negotiated a design and bid phase services contract with KHA in the amount of $95,080 for the scope of services identified in their proposal. Staff recommends a total design and bid phase services budget of $106,000 which includes $10,920 in general contingency. KHA's proposal for design and bid phase services including contingency is $44,000 less than what was budgeted in the Pay-As-You-Go Five Year Capital Improvement Plan, Fiscal Year 2017 budget.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the Town's Public Works General Capital Improvements Fund (Pay-As-You-Go Fiscal Year 2017 budget).

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 16-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., IN AN AMOUNT OF $95,080 FOR THE E-1, E-2, E-4 AND G-1 SANITARY STATION IMPROVEMENTS, AND ESTABLISHING A DESIGN AND BID PHASE BUDGET OF $106,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Kimley-Horn and Associates, Inc., in an amount of $95,080 for Design and Bid Phase Engineering Services for the E-1, E-2, E-4 and G-1 Sanitary Station Improvements project, and establishes a design and bid phase budget of $106,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____
Gail L. Coniglio, Mayor

_____
, Town Council President

_____
, Council President Pro Tem

_____
, Town Council Member

ATTEST:

_____
, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
, Town Council Member

Kimley»Horn

January 9, 2017

Patricia Strayer, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: ***Wastewater Pump Station Improvements at E-1, E-2, E-4 and G-1 Pump Stations***

Dear Patricia,

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 related to mechanical and electrical improvements to the E-1, E-2, E-4, and G-1 Wastewater Pump Stations in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested making improvements to the E-1, E-2, E-4, and G-1 Wastewater Pump Stations in order to increase operational reliability. Items that will be addressed have been identified in the Town of Palm Beach Wastewater Pump Station Condition Assessment prepared by Mock-Roos Consulting Engineers. Below are the improvements recommended for each of the stations.

E-1 Wastewater Pump Station

- Replace pumps and rails
- Replace bypass pipe, valve and cam-lok
- Install sump pump in valve vault
- Replace hatches in both the wetwell and valve vault with larger H-20 rated hatches
- Replace piping and valves within the valve vault
- Replace the electrical control panel
- Replace all conduits into the wetwell

E-2 Wastewater Pump Station

- Replace pumps and rails
- Replace bypass pipe, valve and cam-lok
- Install sump pump in valve vault
- Replace hatches in both the wetwell and valve vault with larger H-20 rated hatches
- Replace piping and valves within the valve vault
- Replace the electrical control panel
- Replace all conduits into the wetwell.
- Influent manhole to be rehabilitated
- Influent gravity sewer main to be replaced between the influent manhole and the manhole to the north

E-4 Wastewater Pump Station

- Upgrade the station from simplex to a duplex station
- Install sump pump in valve vault
- Replace piping and valves within the valve vault
- Replace hatches in both the wetwell and valve vault with larger H-20 rated hatches
- Rehabilitate wetwell (new coating)
- Replace valve vault
- Plant shrubs around the new electrical panels
- Replace all conduits into the wetwell
- Upgrade the electrical service
- Replace the electrical control panel

G-1 Wastewater Pump Station

- Site grading improvements to reduce stormwater drainage into the wetwell
- Upgrade the station from simplex to a duplex station
- Install a new wetwell
- Install a valve vault
- Select new pumps
- Replace piping and valves within the wetwell.
- Upgrade the electrical service
- Replace the electrical control panel

Scope of Services

Task 1 – Design Phase Services

Kimley-Horn will perform design services to prepare construction plans and specifications for the wastewater pump station improvements suitable for construction and submittal to Palm Beach County Health Dept. and the Town's Building Department containing the following information:

1. Cover Sheet
2. E-1 Demolition Plan
3. E-1 Site Plan
4. E-1 Wetwell Sections and Details
5. E-1 Electrical Plan and Details
6. E-2 Demolition Plan
7. E-2 Site Plan
8. E-2 Gravity Sewer Replacement Plan
9. E-2 Wetwell Sections and Details
10. E-2 Electrical Plan and Details
11. E-4 Demolition Plan
12. E-4 Site Plan
13. E-4 Wetwell Sections and Details
14. E-4 Electrical Plan and Details
15. G-1 Demolition Plan
16. G-1 Site Plan
17. G-1 Wetwell Sections and Details
18. G-1 Electrical Plan and Details
19. General Construction Details Sheet(s)
20. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. Kimley-Horn will prepare general civil, mechanical, and structural technical specifications. The site plans will be developed using the existing record drawings and field measurements for the four locations. If it is determined that a survey is required during the permit approval process, we can provide this as an additional service.

We will attend a kick off meeting with the Town to discuss the project goals. We will visit the sites to support the design services. We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 90% design stage and update this document with the final design submittal.

Task 2 – Permitting Services

Kimley-Horn will prepare and submit the appropriate Florida Department of Environmental Protection (FDEP) permit application with supporting documentation, reports, and computations for the Owner's signature and subsequent transmittal to the City of West Palm Beach and the Palm Beach County Health Department. We will respond to one (1) reasonable request for additional information (RAI) from the Health Department. The $500 application fee is included within this task. This scope of services assumes that all four sites will be submitted under one permit application.

Task 3 – Bid Phase Services

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required.

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:

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements
- Construction Phase Services

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.
- Available record drawings and data

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2018.

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services:

Task 1 – Design Phase Services	$84,340
Task 2 – Permitting Services	$ 5,810
Task 3 – Bid Phase Services	$ 4,930
Total	$95,080

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

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-1, E-2, E-4, and G-1 Wastewater Pump Station Improvements\E-1, E-2, E-4, and G-1 Wastewater Pump Station Improvements.docx

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 17-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2017-07 and Approving a Construction Contract to Johnson-Davis, Inc., for the Ocean Outfalls Abandonment Project, in the Amount of $499,312 and Establishing a Construction Phase Budget of $510,000.

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

ATTACHMENTS:

- **Memorandum dated January 20, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 17-2017**
- **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Award of Bid No. 2017-07 and Approve a Construction Contract for the Ocean Outfalls Abandonments Project
Resolution No. 17-2017

DATE: January 20, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 17-2017 awarding Bid No. 2017-07 and approving a construction contract to Johnson-Davis, Inc. (JDI), for the Ocean Outfalls Abandonment Project, in the amount of $499,312 and establishing a construction phase budget of $510,000, including contingency.

GENERAL INFORMATION

There are many private and public surface water runoff outfalls and discharges within the Town that direct stormwater onto the beach and dune system. Stormwater discharges can cause scour and erosion of the adjacent beach and dune system. As a result, there is a potential effect to the water quality which will negatively influence sea turtle nests on the beach or natural resources near the shore.

As part of the Palm Beach Island Beach Management Agreement (BMA), the Town is required to remove these outfalls. During the North Ocean Boulevard Seawall Replacement, 56 outfalls/discharges within the limits of that project were eliminated. Of the remaining ten (10) outfalls/discharges to be eliminated, nine (9) locations are within the Town's right-of-way. The remaining outfall is within the Florida Department of Transportation's right-of-way and its closure will be directed to them. The abandonments contained in the BMA are identified within the Accelerated Capital Improvement Program (ACIP).

This construction project was advertised to the Town's pre-approved utility and pump station contractors and, on January 18, 2017 two (2) bids were submitted. JDI submitted the apparent low responsive and responsible bid in the amount of $540,520. Upon further evaluation of the bid response, it was determined that a some of the items bid appeared to be higher when compared with the local market. Public Works, Purchasing Division staff, and a Consultant with A.D.A. Engineering, Inc. reviewed this with JDI. The vendor offered a voluntary price reduction of $41,208, for a revised bid amount of $499,312. Staff recommends awarding JDI a construction contract in the amount of $499,312, and establishing a construction phase budget of $510,000.

FUNDING/FISCAL IMPACT

The Town's Accelerated Capital Improvement Program - Phase 2 includes a line item for Ocean Outfall Abandonments with a remaining budget of $542,460. This project is being funded within this line item.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Jeffrey Sanon, P.E., Project Engineer
Robert Weber, Coastal Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 17-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2017-07 AND APPROVING A CONSTRUCTION CONTRACT TO JOHNSON-DAVIS, INC. FOR THE OCEAN OUTFALLS ABANDONMENT PROJECT, IN THE AMOUNT OF $499,312 AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $510,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2017-07 and approves a construction contract to Johnson-Davis, Inc., in the amount of $499,312 for the Ocean Outfalls Abandonment Project and establishes a construction phase budget of $510,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for this improvement.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____ _____

Gail L. Coniglio, Mayor , Town Council President

_____

, Council President Pro Tem

_____

, Town Council Member

_____

ATTEST: , Town Council Member

_____ _____

Susan A. Owens, MMC, Town Clerk , Town Council Member

TOWN OF PALM BEACH

Bid No. 2017-07
OCEAN OUTFALLS ABANDONMENT PROJECT
TABULATION
Due: 1/18/17 @ 2 p.m.

	Vendor:	Intercounty Engineering, Inc.	Johnson-Davis Incorporated
	Address:	1925 NW 18 Street Pompano Beach, FL 33069	604 Hillbrath Dr. Lantana, FL 33462
	Telephone:	954-972-9800	561-588-1170
	Fax:	954-974-0042	561-585-5252
	Contact:	Maurice A. Hynes	Scott J. Johnson

Item No.	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	*Voluntary Price Reduction by Johnson-Davis 1/31/17	
1	Mobilization (5%)	1	L.S.		$ 26,500.00		$ 25,000.00		$ 23,000.00
2	Performance & Payment Bonds & Insurance	1	L.S.		$ 20,000.00		$ 12,000.00		$ 11,000.00
3	Maintenance of Traffic	1	L.S.		$ 8,546.00		$ 16,000.00		$ 15,000.00
4	Videotape Existing Conditions	1	L.S.		$ 700.00		$ 7,000.00		$ 6,000.00
5	Survey, Layout and Record Drawings	1	L.S.		$ 10,000.00		$ 16,200.00		$ 15,000.00
6	Construction Permits	ALLOWANCE			$ 5,000.00		$ 5,000.00		$ 5,000.00
7	Sawcut and Cap Existing 4" PVC Outfall Pipe	1	EA	$ 900.00	$ 900.00	$ 800.00	$ 800.00	$ 800.00	$ 800.00
8	Sawcut and Cap Existing 10" Clay Outfall Pipe	1	EA	$ 1,920.00	$ 1,920.00	$ 800.00	$ 800.00	$ 800.00	$ 800.00
9	Sawcut and Cap Existing 12" RCP/PVC Outfall Pipe	4	EA	$ 2,020.00	$ 8,080.00	$ 800.00	$ 3,200.00	$ 800.00	$ 3,200.00
10	Grout Existing Outfall Pipes	30	C.Y.	$ 550.00	$ 16,500.00	$ 150.00	$ 4,500.00	$ 132.00	$ 3,960.00
11	Remove Existing Drainage Inlet	6	EA	$ 1,200.00	$ 7,200.00	$ 800.00	$ 4,800.00	$ 800.00	$ 4,800.00
12	Excavation and Disposal of Existing Asphalt / Spoil Material	1,350	C.Y.	$ 30.00	$ 40,500.00	$ 20.00	$ 27,000.00	$ 18.00	$ 24,300.00
13	FDOT C Inlet	6	EA	$ 4,800.00	$ 28,800.00	$ 6,000.00	$ 36,000.00	$ 5,200.00	$ 31,200.00
14	4' Diameter Drainage Manhole Existing Drainage Inlet	8	EA	$ 7,800.00	$ 62,400.00	$ 10,000.00	$ 80,000.00	$ 9,000.00	$ 72,000.00
15	18" HDPE	24	L.F.	$ 360.00	$ 8,640.00	$ 100.00	$ 2,400.00	$ 95.00	$ 2,280.00
16	Exfiltration Trench (18" pipe, with baffle)	534	L.F.	$ 220.00	$ 117,480.00	$ 270.00	$ 144,180.00	$ 250.00	$ 133,500.00
17	Sawcut Manhole and Connect Storm Pipe	7	EA	$ 2,000.00	$ 14,000.00	$ 2,000.00	$ 14,000.00	$ 1,800.00	$ 12,600.00
18	12" Structural Backfill (Subgrade)	1,367	S.Y.	$ 13.00	$ 17,771.00	$ 10.00	$ 13,670.00	$ 10.00	$ 13,670.00
19	8" Limerock	1,367	S.Y.	$ 20.00	$ 27,340.00	$ 40.00	$ 54,680.00	$ 36.00	$ 49,212.00
20	1.5" Type S-III Asphalt	130	TN	$ 410.00	$ 53,300.00	$ 160.00	$ 20,800.00	$ 150.00	$ 19,500.00
21	Remove and Replace Concrete Tile Walkway	8	S.Y.	$ 500.00	$ 4,000.00	$ 80.00	$ 640.00	$ 80.00	$ 640.00
22	Concrete Header Curb	25	L.F.	$ 62.00	$ 1,550.00	$ 50.00	$ 1,250.00	$ 50.00	$ 1,250.00
23	Regrade Pervious Area	20	S.Y.	$ 400.00	$ 8,000.00	$ 10.00	$ 200.00	$ 10.00	$ 200.00
24	4" White Paint (Re-Striping)	720	L.F.	$ 2.00	$ 1,440.00	$ 1.00	$ 720.00	$ 1.00	$ 720.00
25	4" Double Yellow Paint (Re-striping)	720	L.F.	$ 3.00	$ 2,160.00	$ 2.00	$ 1,440.00	$ 2.00	$ 1,440.00
26	Sea Shore Paspalum	60	S.Y.	$ 32.00	$ 1,920.00	$ 15.00	$ 900.00	$ 15.00	$ 900.00
27	Concrete Apron	8	S.Y.	$ 105.00	$ 840.00	$ 80.00	$ 640.00	$ 80.00	$ 640.00
28	Restore Sidewalk	5	S.Y.	$ 140.00	$ 700.00	$ 80.00	$ 400.00	$ 80.00	$ 400.00
29	Restore Curbing	40	L.F.	$ 90.00	$ 3,600.00	$ 50.00	$ 2,000.00	$ 50.00	$ 2,000.00
30	Milling of Existing Asphalt (1.5" thick)	1,465	S.Y.	$ 40.00	$ 58,600.00	$ 20.00	$ 29,300.00	$ 20.00	$ 29,300.00
31	General Contingency	ALLOWANCE			$ 15,000.00		$ 15,000.00		$ 15,000.00
BID TOTAL				$	573,387.00	$	540,520.00	$	499,312.00

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 18-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to A.D.A. Engineering, Inc., in an Amount of $28,376.25 for the Ocean Outfall Abandonments, and Establishing a Construction Phase Budget of $30,000.

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

ATTACHMENTS:

- **Memorandum dated January 31, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 18-2017**
- **A.D.A. Engineering Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Construction Phase Engineering Services for the Ocean Outfall Abandonments
Resolution No. 18-2017

DATE: January 31, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 18-2017, approving a purchase order for Construction Phase Engineering Services to A.D.A. Engineering, Inc. (ADA), for the Ocean Outfall Abandonments in the amount of $28,376.25 and establishing a construction phase engineering services budget of $30,000.

GENERAL INFORMATION

There are many private and public surface water runoff outfalls and discharges within the Town that direct stormwater onto the beach and dune system. Stormwater discharges can cause scour and erosion of the adjacent beach and dune system. As a result, there is a potential effect to the water quality which will negatively influence sea turtle nests on the beach or natural resources near the shore.

As part of the Palm Beach Island Beach Management Agreement (BMA), the Town is required to remove these outfalls. During the North Ocean Boulevard Seawall Replacement, 56 outfalls/discharges within the limits of that project were eliminated. Of the remaining ten (10) outfalls/discharges to be eliminated, nine (9) locations are within the Town's right-of-way. The remaining outfall is within the Florida Department of Transportation's right-of-way and its closure will be directed to them. The abandonments contained in the BMA are identified within the Accelerated Capital Improvement Program (ACIP).

Construction to abandon or eliminate the outfalls and redirect the existing drainage is planned to begin during the 2017 construction season. The construction award recommendation will be presented during the February 14, 2017 Town Council meeting.

ADA's construction phase scope of work will include bidding assistance, engineering plan updates, shop drawing reviews, site visits, maintaining daily reports, progress photos, review of contractor pay-applications and change orders, attending meetings, assisting Town staff with onsite observations, inspections, and permit certification.

Staff has reviewed and negotiated the ADA proposal and recommends approving a purchase order for Construction Phase Engineering Services with ADA, in the amount of $28,376.25 for the scope identified in their proposal. Staff also recommends a contingency of $1,623.75 for a total Construction Phase Engineering Services budget of $30,000.

FUNDING/FISCAL IMPACT

The Town's Accelerated Capital Improvement Program - Phase 2 includes a line item for Ocean Outfall Abandonments with a remaining budget of $542,460. This project is being funded within this line item.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Jeffrey Sanon, P.E., Project Engineer
Robert Weber, Coastal Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 18-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR CONSTRUCTION PHASE ENGINEERING SERVICES TO A.D.A. ENGINEERING, INC., IN AN AMOUNT OF $28,376.25 FOR THE OCEAN OUTFALL ABANDONMENTS, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $30,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for A.D.A. Engineering, Inc., in an amount of $28,376.25 for Construction Phase Engineering Services for the Ocean Outfall Abandonments, and establishes a construction phase engineering budget of $30,000.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____ _____

Gail L. Coniglio, Mayor , Town Council President

_____

, Council President Pro Tem

_____

, Town Council Member

_____

ATTEST: , Town Council Member

_____ _____

Susan A. Owens, MMC, Town Clerk , Town Council Member

West Palm Beach Office
1800 Old Okeechobee Rd,
Suite 202
West Palm Beach, FL 33409
PH: 561.615.8880
www.adaeng.net

January 31, 2017

Patricia Strayer, P.E.
Town Engineer
Town of Palm Beach
951 Old Okeechobee Rd, Suite A
West Palm Beach, Florida 33401

RE: OCEAN OUTFALLS ABANDONMENT - CONSTRUCTION SERVICES

Dear Ms. Strayer:

Per your request, A.D.A. Engineering, Inc. (ADA) is pleased to submit this Task Order proposal for construction services associated with the Ocean Outfalls Abandonment Project. The contractual framework of this Task Order is based on the Professional Services Agreement between the Town and ADA, dated December 2015. This Task Order defines the scope of work, schedule, exclusions, and compensation for the construction services associated with this project.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following essential tasks:

Task 1 – Review and Approval of Shop Drawings and Technical Submittals
Task 2 – Respond to Contractor Requests for Information (RFI's)
Task 3 – Periodic Site Inspection and Construction Certification

Below is a description of the services included with each of these essential tasks:

Task 1 – Review and Approval of Shop Drawings and Technical Submittals

ADA will review and approve applicable shop drawings and technical submittals (maximum of 10 submittals) required by the Contract Documents. The review includes up to one re-submittal review for correction and revision by the Contractor per submittal package. The review will include comparison of the Contractor's submitted documents to the requirements of the contract Documents. 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. Once the Contractor has substantially met the project requirements, ADA will approve the submittal package in writing and provide the results to the TOWN. Finally, ADA will prepare and maintain a submittal log which will document and track the dates and results of all reviews. The log will be periodically updated and will be reviewed during the construction progress meetings.

Task 2 – Respond to Contractor Requests for Information Regarding the Civil Plans and Specifications

ADA 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 ADA 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 ten (10) RFI's will be reviewed. It is also assumed that the RFI's process will be informal coordination with the contractor due to the nature of a design-build project.

Task 3 – Construction Certification

The tasks described below are directly related to the Certification of Construction. ADA will provide the certificate once all sub tasks are completed and approved by the Engineer of Record.

Task 3.1 Periodic Site Inspection

During the construction of the project, as designate of the Engineer of Record will perform periodic inspections to observe 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 weekly attendance will be required for the length of the construction contract. 6 hours per week * 24 weeks = 144 hours. Separate from this task is the substantial and final completion inspections required for Tasks 3.3 and 3.4. This task will be accomplished on a time and materials basis, not lump sum.

Task 3.2 Attend Progress Meetings and Produce Meeting Minutes

The Engineer of Record or his designate will attend progress meetings to discuss construction issues / scheduling / etc. The production of meeting minutes will be included as part of this task. Meeting minutes shall be distributed to the TOWN for their use within 48 hours of each meeting. For scoping purposes, twenty-four (24) progress meetings are assumed.

Task 3.3 Review Contractor Pay Requests and Change Orders (if applicable)

The Engineer of Record shall review contractor pay requests to ensure they are an accurate portrayal to the work accomplished in the field. Should the Engineer disagree with certain aspects of the pay application, it will be returned to the TOWN for their use. For scoping purposes, the review of 6 pay applications has been assumed. In the case where a change order is necessary to address unforeseen conditions, the Engineer of Record shall review the change request and provide a recommendation to the TOWN. For scoping purposes, the review of 2 change orders has been assumed.

Task 3.4 Attend Substantial Completion Inspection Meeting

Near the conclusion of the construction phase, ADA will attend one Substantial Completion Inspection in order allow for Certification of Construction. The Engineer of Record, or his designate will attend the site meeting. Any punch-lists or correspondence related to the Substantial Completion Inspection will be forwarded to the Engineer of Record.

Task 3.5 Attend Final Completion Inspection Meeting

ADA will attend one Final Completion walk-through in order to allow for Certification of Construction. Any correspondence related to the Final Completion Inspection will be forwarded to the Engineer of Record.

Task 3.6 Review As-built Drawings

ADA 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 3.7 Construction Certification

Upon completion of the Final Inspection ADA 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.

II. SCHEDULE

Construction is slated for May 1, 2017 – October 31, 2017.

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:

- Right-of-way or Topographic Surveys
- Underground investigations
- Community workshops
- Project Coordination
- Contract Interpretation
- Construction Document Reproduction
- Preparation of As-Built Plans

IV. COMPENSATION

ADA will be compensated for the services described on a lump sum basis in an amount of **$28,376.25** per attached Exhibit A.

Thank you again for your continued trust in ADA Engineering and for allowing us to further assist the Town of Palm Beach on this very important project. As always, should you have any questions, please feel to contact me.

Sincerely,

A.D.A. ENGINEERING, INC.

Brent Whitfield, P.E.
Associate Vice President

Enclosures: Fee Estimate

cc. Jeff Sanon, PE (Town of Palm Beach)
Jeff Vollat, PE (ADA Engineering)
Alex Vazquez, PE (ADA Engineering)

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 19-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Zimmerman Tree Service, for Palm Tree Trimming in the Amount of $108,235 and Establishing a Project Budget of $119,055.

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

ATTACHMENTS:

- **Memorandum dated January 23, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 19-2017**
- **Bid No. 2015-01**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Authorization to Extend Contract for Palm Tree Trimming to Zimmerman Tree Service
Resolution No. 19-2017

DATE: January 23, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 19-2017, authorizing the second (2nd) twelve (12) month extension to Zimmerman Tree Service, for the trimming of the Town's palm trees in the amount of $108,235 and establish an overall budget of $119,055.

GENERAL INFORMATION

The procedure for the trimming of the Town's palm trees was changed from once per year to twice per year in FY10. This change proved to be very successful. We have improved the aesthetics of the palm trees and improved safety by eliminating large coconuts falling from the palms during the winter/spring seasons, as well as during hurricane season.

The Town issued Bid No. 2015-01 for palm tree trimming services which includes a bi-annual trimming of the palms in October and April. The lowest responsive bidder was Zimmerman Tree Service. The contract provides for the option of four (4) twelve (12) month renewals with all original terms, conditions, and pricing. This is the second (2nd) renewal to this contract. The contractor has requested a CPI increase of 1.6% as detailed in the terms of this contract. The overall cost based on the bid quantities is $108,235. A ten percent (10%) contingency has been included in the overall budget for unforeseen conditions or special trimmings.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works Department FY2017 operating budget to complete this work. Subject to FY2018 budget approval, the authorization to issue a purchase order for the work next fiscal year is also requested.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 19-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO ZIMMERMAN TREE SERVICE, FOR PALM TREE TRIMMING IN THE AMOUNT OF $108,235, AND ESTABLISHING A PROJECT BUDGET OF $119,055.

* * * * * *

WHEREAS, a contract was awarded on February 10, 2015, to Zimmerman Tree Service to provide palm tree trimming services to the Town of Palm Beach, a copy of which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, vendor has agreed to an extension of the terms and conditions of the said contract and, Zimmerman Tree Service acceptance of which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, Zimmerman Tree Service has provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

Section 1. The second contract extension for a period of twelve (12) months, beginning February 28, 2017 and ending February 27, 2018, is hereby approved for Zimmerman Tree Service, in the amount of $108,235 and establishes an overall project budget of $119,055.

Section 2. The Town Manager is hereby authorized to execute this contract extension on behalf of the Town of Palm Beach.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the implementation of these services, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, Council President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

TOWN OF PALM BEACH

PURCHASING DIVISION

January 12, 2017

Zimmerman Tree Service
4660 71st Court South
Lake Worth, FL 33463
Email: mickey@zimmermantreeservice.com

Ref: Bid No. 2015-01 – Palm Tree Trimming
Year 3 of Contract – 2nd Renewal

Dear Mickey:

As specified in the referenced bid document, we have the option to renew the existing contract for another one year period if it is mutually agreeable to all parties.

Please advise by signature below, if a one-year extension of our current contract at same terms, conditions, specifications and pricing stated in your submittal to Bid No. 2015-01 would be acceptable.

Please, complete and return this form to the Purchasing Division by no later than 2:00 PM, January 13, 2017. Your response may be emailed to sshea@townofpalmbeach.com or faxed to 561-835-4688. Please feel free to contact me if you have any questions at 561-227-7009 or email.

Sincerely,

Sandy Shea
Buyer, Public Works

√ I hereby agree to a one year extension of the subject bid.

____ I do not approve a one year extension of the subject bid for the following reasons:

Requesting consideration of pg. 8, item #11c on Bid #2015-08 for the consumer price index increase.

Thomas Danks
SIGNATURE

1/12/17
DATE

Thomas Danks
NAME (PRINT)

951 Okeechobee Road • Suite D • West Palm Beach, Florida 33401
Telephone: (561) 838-5406 • Facsimile (561) 835-4688
Website: www.townofpalmbeach.com

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TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 20-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving and Authorizing Execution of a National Pollutant Discharge Elimination System Fourth Cycle Permit Interlocal Agreement with the Northern Palm Beach County Improvement District.

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

ATTACHMENTS:

- **Memorandum dated January 26 ,2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 20-2017**
- **Interlocal Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Interlocal Agreement with the Northern Palm Beach County Improvement District – National Pollutant Discharge Elimination System Fourth Cycle Permit
Resolution No. 20-2017

DATE: January 26, 2017

STAFF RECOMMENDATION

It is recommended that Town Council approve Resolution No. 20-2017, authorizing the Town Manager to execute the Interlocal Agreement with the Northern Palm Beach County Improvement District (NPBCID) for assistance to continue the Town's National Pollutant Discharge Elimination System (NPDES) Third Term Permit.

GENERAL INFORMATION

The Florida Department of Environmental Protection granted a Fourth Cycle Permit to the governmental entities designated as the NPBCID's Municipal Separate Storm Sewer System (MS4) Permittees on September 8, 2016. NPBCID, as Lead Permittee, and the Town, as one of the thirty-nine (39) MS4 Co-Permittees, have previously executed Agreements in 1997, 2003, and 2011. This Interlocal Agreement allows for continued cooperation and assistance to implement the requirements of the Town's NPDES Fourth Cycle Permit. Our current Interlocal Agreement with NPBCID to allocate duties, responsibilities, and costs associated with the NPDES permit among the Palm Beach County Co-Permittees will terminate with the execution of this new Agreement.

All thirty-nine (39) Co-Permittees will be signing identical Interlocal Agreements. By cooperating with each other, the Town realizes considerable savings in the implementation of the NPDES program. The Town can cancel this Agreement with 30 days written notice at any time and implement the NPDES permit conditions on its own, if it so desires.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Jeffrey Sanon, P.E., Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 20-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOURTH CYCLE PERMIT INTERLOCAL AGREEMENT WITH THE NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT.

* * * * * *

WHEREAS, NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT ("District") is an independent special district of the State of Florida, operating in accordance with the provisions of Chapter 2000-467, Laws of Florida, as amended and supplemented, and applicable provisions of Chapter 298, Florida Statutes; and

WHEREAS, the District is the lead Co-Permittee for the Palm Beach County National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the Town of Palm Beach is one of the Co-Permittees with the District in regard to the subject Palm Beach County NPDES program; and

WHEREAS, the NPDES Permit authorizes certain activities to be conducted through cooperative efforts via interlocal agreements; and

WHEREAS, the Town of Palm Beach and the District wish to enter into the attached interlocal agreement which sets forth each party's respective duties and obligations pertaining to the Palm Beach County NPDES program.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Palm Beach, does hereby approve and authorize as follows:

Section 1. The attached Fourth Cycle Permit Interlocal Agreement between the District and the Town of Palm Beach is hereby approved.

Section 2. This Resolution shall take effect immediately upon its adoption.

Section 3. The Town Manager is hereby directed to take such further action as may be necessary to continue implementation of the NPDES Program.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, Council President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

MS4 NPDES FOURTH CYCLE PERMIT
INTERLOCAL AGREEMENT

This MS4 NPDES Fourth Cycle Permit Interlocal Agreement (the "Agreement") is being entered into by and between NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT, 359 Hiatt Drive, Palm Beach Gardens, Florida 33418 (hereinafter referred to as the "Lead Permittee"), and TOWN OF PALM BEACH (hereinafter referred to as "the Co-Permittee").

W I T N E S S E T H:

WHEREAS, the United States Environmental Protection Agency (hereinafter referred to as "EPA") on the 9th day of December, 1996, issued its National Pollutant Discharge Elimination System ("NPDES") Permit No. FLS000018 (with it and all such subsequent permits being hereinafter referred to as the "MS4 NPDES Permit") to approximately forty (40) governmental entities designated as the Palm Beach County-Municipal Separate Storm Sewer System ("MS4") Permittees (hereinafter referred to jointly as the "Permittees"); and

WHEREAS, EPA has since delegated its regulatory and enforcement authority relating to the MS4 NPDES Permit to the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, Section 403.0885, Florida Statutes, established the federally approved state NPDES Program; and

WHEREAS, FDEP Rule 62-4.052, F.A.C., implemented an annual regulatory program and also set fees to effect the legislative intent that FDEP's costs for administering the NPDES Permit be borne by the regulated entities; and

WHEREAS, at or before the expiration of each MS4 NPDES Permit, the Permittees must file a re-application to FDEP for renewal of the MS4 NPDES Permit for a subsequent term; and

WHEREAS, the MS4 NPDES Permits granted by FDEP to the Permittees contain separate obligations and responsibilities for each individual Permittee, as well as obligations and responsibilities that may be performed jointly by the Permittees; and

WHEREAS, the Permittees previously established a 7-member Steering Committee comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative from Palm Beach County, and the Lead Permittee, which Committee will continue to coordinate the joint activities conducted under the MS4 NPDES Permit, including but not limited to recommending to the Lead Permittee retention of necessary consultants to execute each MS4 NPDES Permit; and

WHEREAS, due to the number of Permittees and the tasks that must be performed pursuant to each MS4 NPDES Permit, it has been previously determined that it would be more economically and administratively feasible to allocate duties, responsibilities, and costs associated with the MS4 NPDES Permits pursuant to individual interlocal agreements between each Co-Permittee and the

Lead Permittee; and

WHEREAS, the parties hereto have previously entered into interlocal agreements regarding the MS4 NPDES Permit, most recently a Third Term Permit Interlocal Agreement, which agreement continues from year to year, subject to the annual Funding Year renewal process set forth in Section 3.03 of said agreement, unless otherwise terminated in accordance with other provisions of said agreement; and

WHEREAS, the MS4 NPDES Third Term Permit expired March 1, 2016; and

WHEREAS, the Permittees timely submitted a re-application for a permit renewal, thereby administratively continuing the MS4 NPDES Third Term Permit until such time as a new NPDES permit was issued; and

WHEREAS, FDEP issued an MS4 NPDES Permit for a Fourth Cycle, hereinafter referred to as the "MS4 NPDES Fourth Cycle Permit", on September 8, 2016; and

WHEREAS, Section 4.02 of the NPDES Third Term Permit Interlocal Agreement provides, in pertinent part, that any changes, modifications, revisions, or additions to the terms of the MS4 NPDES Permit made subsequent to the Effective Date of that agreement, are expressly excluded from and not a subject of said agreement unless and until agreed to by written agreement of the parties; and

WHEREAS, the MS4 NPDES Fourth Cycle Permit contains several changes, modifications, revisions, or additions to the terms of the MS4 Third Term Permit, thereby necessitating this MS4 Fourth Cycle Permit Interlocal Agreement in lieu of an amendment to the prior agreement; and

WHEREAS, the parties hereto are authorized pursuant to Chapter 163, Part I, Florida Statutes, as amended, to enter into this Agreement and do hereby adopt, ratify and confirm the provisions and incorporation herein of Subparagraph (9), Section 163.01, Florida Statutes.

NOW, THEREFORE, in accordance with Chapter 163, Part I, Florida Statutes, as amended, the undersigned parties, for and in consideration of the mutual benefits set forth herein, do hereby enter into this Agreement and represent, covenant, and agree with each other as follows:

SECTION ONE
REPRESENTATIONS

1.01. Recitals. The recitals and representations as set forth hereinabove are true and correct to the best of the knowledge of the parties and are incorporated herein by this reference.

SECTION TWO
DESIGNATION OF PARTIES

2.01. Lead Permittee. Northern Palm Beach County Improvement District is hereby

designated as the Lead Permittee for the purposes of this Agreement and each MS4 NPDES Permit.

2.02. Co-Permittee. The Town of Palm Beach is hereby designated as a Co-Permittee for the purposes of this Agreement and each MS4 NPDES Permit.

SECTION THREE
TERM OF AGREEMENT

3.01. Agreement Term. The term of this Agreement begins as of the date it is signed by the last of the parties, and shall continue from year to year, subject to the annual Funding Year (as hereinafter defined) renewal process set forth in following Section 3.03, unless otherwise terminated in accordance with other provisions of this Agreement. The parties to this Agreement shall undertake a mutual review of this Agreement during the final year of the term of each Permit.

3.02. Funding Year. The term "Funding Year" is defined as a fiscal year beginning on October 1 and ending on September 30.

3.03. Renewal. This Agreement shall be automatically renewed as of the beginning date of each Funding Year and continue in full force and effect from Funding Year to Funding Year, unless: (i) a party to this Agreement provides written notice of non-renewal to the other party at least thirty (30) days prior to the end of the then-current Funding Year, or (ii) the Agreement has been previously terminated as provided herein.

SECTION FOUR
SCOPE OF WORK AND ALLOCATION OF DUTIES AND OBLIGATIONS

4.01. Allocation of Duties and Obligations

(i) The Lead Permittee shall be responsible for those duties and obligations which are specifically identified and delineated in Exhibit "A" which is attached hereto and incorporated herein (the "Lead Permittee Services"). The Lead Permittee Services may be revised from time to time as required by the MS4 NPDES Permit. Any such revisions shall be agreed to in writing by the Co-Permittee and incorporated into Exhibit "A" and made a part of this Agreement. All revisions to Exhibit "A" shall be attached sequentially to the original Agreement so that all modifications to the Lead Permittee Services that occur over time may be determined.

(ii) The Co-Permittee shall be responsible for such other duties and obligations which are specifically identified as being its individual responsibility in the MS4 NPDES Permit.

4.02. Modifications to MS4 NPDES Permit

In accordance with Section 403.067, Florida Statutes, MS4 NPDES permits must be consistent with the requirements of FDEP-adopted TMDLs. A MS4 NPDES Permit may be reopened and revised during its term to adjust effluent limitations or monitoring requirements should future adopted TMDL, water quality studies, FDEP-approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

It is understood and agreed that any other changes, modifications, revisions, or additions to the terms of the MS4 NPDES Permit made subsequent to the Effective Date of this Agreement are expressly excluded from and not a subject of this Agreement unless and until incorporated herein by written agreement of the parties.

SECTION FIVE
BUDGET AND FUNDING

5.01. Administrative Procedures. The procedures to be followed by the Lead Permittee regarding the collection, management and disbursement of the Co-Permittee payments are set forth in a resolution titled "Resolution of the Board of Supervisors of Northern Palm Beach County Improvement District Approving the NPDES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds" (the "Resolution), which was adopted by the Lead Permittee, a copy of which is attached hereto as Exhibit "B".

Section 2 of the Resolution incorporates by reference the "NDPES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds" (the "Procedures) which are incorporated into this Agreement and are to be followed by the parties to this Agreement.

The Resolution and the Procedures may be amended from time to time upon the approval of the MS4 NPDES Steering Committee and the Lead Permittee. However, the Co-Permittee shall be given a minimum of 60 days advance written notice of any proposed amendments to the Resolution or the Procedures, and shall be afforded the opportunity to offer comments to the Lead Permittee and/or the MS4 NPDES Steering Committee prior to any action being taken on said proposed amendments. Any amendment that is incorporated into this Agreement shall also be agreed to in writing by the Co-Permittee.

5.02. Annual Budget. Since this Agreement is anticipated to be renewed for a number of Funding Years, the parties acknowledge that it is not in their respective best interests to project the potential costs the Lead Permittee may be required to incur for future Funding Years in order to carry out the Lead Permittee Services. Therefore, the parties agree to arrive at a mutually acceptable payment amount on a per Funding Year basis in order to more accurately calculate the amount that will be required to be paid by the Co-Permittee to the Lead Permittee for the provision of Lead Permittee Services during each Funding Year.

5.03. Prior Funding. The parties agree that any surplus funds previously paid by the Co-Permittee to the Lead Permittee pursuant to any prior interlocal agreement it has entered into with the Lead Permittee involving a MS4 NPDES Permit shall be applied to and used for the provision of Lead Permittee Services during the next Funding Year period.

5.04. First Funding Year Payment. In addition to the surplus funds referenced in Section 5.03 above, the parties agree that for the upcoming 2016/2017 Funding Year, the Co-Permittee has paid the Lead Permittee the sum of Four Thousand Three Hundred Ninety-Nine dollars ($4,399.00), which sum represents payment of both the Lead Permittee's Services for the

upcoming Funding Year of this Agreement and the ten percent (10%) Reserve Fund Contingency required pursuant to Section 5.05.

5.05. Reserve Contingency. The parties acknowledge that each Funding Year payment will include a ten percent (10%) reserve fund contingency (the "Reserve Fund Contingency") for unexpected additional costs and expenses incurred in the preparation and implementation of a MS4 NPDES Permit.

5.06. Current Funding. The parties believe that the funding specified in above Section 5.04 will be sufficient to satisfy the current MS4 NPDES Permit requirements for the 2016/2017 Fiscal Year unless unexpected additional costs and expenses of the nature described in following Section 6.03 are incurred.

5.07. Future Funding Year Payments. The parties: (i) acknowledge that on or before January 31, 2016, the Lead Permittee provided a budget to the Steering Committee of the amount the Permittees will each be requested to pay during the next Funding Year, and (ii) agree that all subsequent Funding Year budget estimates will be provided on or about January 31st of each following year. The Lead Permittee and Co-Permittee shall have until July 31st of each year to arrive at a mutually acceptable dollar amount to be paid by the Co-Permittee to the Lead Permittee for the immediately upcoming Funding Year, which shall be paid pursuant to Section Six of this Agreement. If the parties cannot agree upon a mutually acceptable dollar amount by the aforementioned deadline, this Agreement shall be deemed terminated unless otherwise agreed to in writing by and between the parties.

5.08. Final Funding Year of a MS4 NPDES Permit Term. It is assumed that during the last Funding Year of the term of each MS4 NPDES Permit, the Permittees and FDEP will commence to negotiate the provisions of the next MS4 NPDES Permit. As a result, allocation of the Scope of Services that are required to be provided hereunder may be modified. Due to this uncertainty, each party's duties and obligations hereunder, together with the funding process for provision of Lead Permittee Services, will be reexamined during the last Funding Year of the term of each MS4 NPDES Permit.

5.09. Separate Co-Permittee Expenses. In addition to the payments required to be paid by the Co-Permittee to the Lead Permittee pursuant to Sections 5.03 through 5.07, the Co-Permittee shall be responsible for all other costs and expenses relating to its individual duties and obligations under a MS4 NPDES Permit, including, but not limited to: (1) all costs of the Co-Permittee's preparation and submittal of such of its own individual annual report(s) that may be separately required by a MS4 NPDES Permit, (2) costs of all monitoring that may be the Co-Permittee's individual responsibility, (3) costs of gathering, compiling, coordinating, and submitting all necessary data that may be individually required of the Co-Permittee by a MS4 NPDES Permit, and (4) all other costs of carrying out any other individual responsibility of the Co-Permittee according to the requirements of a MS4 NPDES Permit.

SECTION SIX
PAYMENT PROCEDURE

The Co-Permittee agrees to pay each of its Funding Year payments as follows:

6.01. First Funding Year. The First Funding Year payment for the current MS4 NPDES Permit Term will be paid in either a single lump sum payment on or before November 15, 2016 or in twelve (12) equal monthly installments commencing on October 15, 2016, and thereafter on the 15th day of each subsequent month during the First Funding Year (such payment dates being hereinafter referred to as "Payment Due Date(s)"). In addition, an alternative payment schedule allowing for quarterly payments, pursuant to the Procedures found herein, may be utilized by the Co-Permittee, unless and until such time as the Procedures are amended to eliminate said alternate payment schedule. The initial Funding Year for all future MS4 NPDES Permits shall be referred as the First Funding Year.

6.02. Subsequent Funding Year Payments. Once a Funding Year payment amount has been agreed upon, the Co-Permittee may, at its option, pay the entire agreed-upon amount in a single lump sum on or before November 15 of that particular Funding Year, or in twelve (12) equal monthly installments commencing on October 15th of that Funding Year and thereafter on the 15th day of each subsequent month during that Funding Year (such payment dates also being hereinafter referred to as "Payment Due Date(s)"). In addition, an alternative payment schedule allowing for quarterly payments, pursuant to the Procedures found herein, may be utilized by the Co-Permittee, unless and until such time as the Procedures are amended to eliminate said alternate payment schedule.

6.03. Additional Costs. Since it is possible that following the parties' agreement as to a particular Funding Year's payment amount, unexpected additional costs and expenses may arise which will need to be paid in order for the Lead Permittee to carry out its Lead Permittee Services for that Funding Year, the parties agree as follows:

(i) If the Lead Permittee determines that unexpected additional costs and expenses must be incurred in order for it to timely provide its Lead Permittee Services, the Lead Permittee shall promptly notify the Co-Permittee, in writing, of the nature and estimated amount of the Co-Permittee's allocable share of these unexpected additional costs and expenses, as well as the Lead Permittee's intent to draw down funds from the Co-Permittee's Reserve Fund Contingency in order to pay said Co-Permittee's allocable share of the unfunded and unexpected additional costs and expenses.

(ii) If the Co-Permittee's allocable share of the unexpected additional costs and expenses exceeds the amount held in the Co-Permittee's Reserve Fund Contingency account, the Lead Permittee shall address the need for such excess amount in the above subparagraph (i) notice to the Co-Permittee. The Lead Permittee and Co-Permittee shall then attempt to negotiate a payment procedure for the unfunded and unexpected additional costs and expenses.

(iii) If the Lead Permittee and Co-Permittee agree as to the need and amount of the unfunded and unexpected additional costs and expenses, their agreement shall be reduced to writing. The agreed upon unfunded and unexpected additional costs and expenses shall be paid either by a lump sum payment within thirty (30) days of their agreement in writing or divided by the remaining months of that particular Funding Year and paid to the Lead Permittee in equal

monthly installments for the remainder of the subject Funding Year.

(iv) If the Lead Permittee and Co-Permittee are not able to timely agree as to the need and/or amount of the unfunded and unexpected additional costs and expenses, the Lead Permittee may suspend or terminate this Agreement, at its sole discretion, following the provision of thirty (30) days prior written notice to the Co-Permittee.

6.04. Failure to Pay. Unless otherwise agreed to in writing by and between the parties hereto, if a Funding Year payment or agreed upon unfunded and unexpected additional costs and expenses payment is not timely paid within thirty (30) days of a Payment Due Date, the duties and obligations assumed by the Lead Permittee under the terms of this Agreement may be suspended and/or terminated by the Lead Permittee, at its sole discretion, following the provision of thirty (30) days prior written notice to the Co-Permittee unless cured by the Co-Permittee by payment in full of the omitted payment within said thirty (30) day notice time period.

SECTION SEVEN
OPTION TO TERMINATE

7.01. Termination. Either party to this Agreement shall have the right to terminate this Agreement at will and without cause, provided that the party wishing to terminate the Agreement must provide thirty (30) days prior written notice to the other party of said terminating party's decision to terminate this Agreement. Said termination shall not be effective until said thirty (30) day prior notice period has elapsed (the "Termination Date"). In addition to the aforementioned termination rights, the Agreement may be terminated as provided in Sections 5.07, 6.03(iv), and 6.04.

7.02. Effect of Termination. In the event of termination of this Agreement by the Co-Permittee, the Co-Permittee shall thereupon be individually and solely responsible for all requirements of the applicable MS4 NPDES Permit which are designated therein as the individual responsibility of said Co-Permittee. Thereafter, the Lead Permittee and other Permittees shall not be responsible for said terminating Co-Permittee's individual obligations under the applicable MS4 NPDES Permit.

7.03. Costs and Expenses. Irrespective of which party elects to terminate this Agreement or in the event of a failure to pay by the Co-Permittee to the Lead Permittee the amounts due under and pursuant to the terms of this Agreement, the parties agree that any costs and expenses previously incurred or obligated to be paid by the Lead Permittee as of the Termination Date shall still be due and owing and the right to collect said amount(s) shall survive termination of this Agreement.

7.04. Refunds. The parties acknowledge that the Lead Permittee anticipates entering into contracts with one or more consultants or contractors for the provision of services required in order for the Lead Permittee to provide some or all of its Lead Permittee Services. Since the Co-Permittee's payments under this Agreement represent only a portion of what the Lead Permittee will have to pay its consultants and contractors for their services, the Co-Permittee will not be entitled to receive a refund from the Lead Permittee for any monies that the Co-Permittee has

previously paid pursuant to this Agreement unless the Lead Permittee is able to obtain a reduction in its contractual obligations with its consultants or contractors as a result of the termination of this Agreement. In that event, the Lead Permittee shall be obligated to reimburse the Co-Permittee for its allocable share of the amount of such reduction in costs and expenses.

7.05. Documentation and Data. In the event this Agreement is cancelled or terminated, all documentation and data previously collected by the Lead Permittee in accordance with its duties and obligations as assumed herein, shall be made available to the Co-Permittee.

SECTION EIGHT
ENFORCEMENT, VIOLATIONS, AND/OR DEFAULT

8.01. Enforcement. The designation herein of the Lead Permittee is not intended nor shall it be construed as authorizing, granting or permitting the Lead Permittee to accept or assume any powers of enforcement of the applicable MS4 NPDES Permit as to the other party.

8.02. Violations. Neither party to this Agreement shall be deemed to have assumed any liability for any negligent or wrongful acts or omissions of the other party, and in no event shall any of the provisions of this Agreement be construed as a waiver by either party of its sovereign immunity rights or of the liability limits established in Section 768.28, Florida Statutes.

8.03. Dispute Resolution Process. Any dispute or conflict between the parties that arises from any of the terms or conditions of this Agreement, including any exhibits thereto, shall be presented in writing by the complaining party to the other party. The parties' representatives shall then meet to discuss the disputed issues and attempt in good faith to resolve the dispute or conflict prior to either party initiating the intergovernmental conflict resolution process per Ch. 164, F.S., or litigation or any other formal dispute resolution process.

SECTION NINE
MISCELLANEOUS PROVISIONS

9.01. Notices. All notices, requests, consents and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the person giving such notice) hand delivered by prepaid express overnight courier or messenger service, telecommunicated (including telex, facsimile, telegraphic, or electronic mail (e-mail) communication) with confirmation of receipt, or mailed by registered or certified mail (postage prepaid), return receipt requested, to the following addresses:

As to Lead Permittee:
Northern Palm Beach County Improvement District
359 Hiatt Drive
Palm Beach Gardens, Florida 33418
Attn: Executive Director
Phone: (561) 624-7830
Fax: (561) 624-7839

With a copy to:
Betsy S. Burden, Esq.

Caldwell Pacetti Edwards Schoech & Viator LLP
1555 Palm Beach Lakes Blvd., Suite 1200
West Palm Beach, Florida 33401
Phone: (561) 655-0620
Fax: (561) 655-3775
Email: burden@caldwellpacetti.com

As to Co-Permittee:

Name of Authorized Representative: Thomas Bradford
Title: Town Manager
Name of Permittee: Town of Palm Beach
Address: 360 S. County Rd., Palm Beach, FL 33480

Attn: Jeffrey Sanon
Phone: (561) 838-5440
Fax: (561) 835-4691
Email: jsanon@townofpalmbeach.com

9.02. Entire Agreement. This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter hereof.

9.03. Construction. The preparation of this Agreement is considered a joint effort of the parties and accordingly this Agreement shall not be construed more severely against one of the parties than the other.

9.04. Discrimination. The Lead Permittee and the Co-Permittee agree that no person shall on the grounds of race, color, sex, national origin, disability, religion, ancestry, marital status or sexual orientation be excluded from the benefits of or be subjected to any form of discrimination under any activity carried out by the performance of this Agreement.

9.05. Binding Effect. All of the terms and provisions of this Agreement, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors, and permitted assigns.

9.06. Assignability. The responsibility for carrying out any task assumed by a party to this Agreement, but not the obligation to pay, may be assigned by the party upon receipt of written approval from the other party, which approval shall not be unreasonably withheld.

9.07. Severability. If any part of this Agreement is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible, unless the prohibited or invalid provision reduces the payment obligations of the Co-Permittee, in which event this Agreement may be thereupon terminated by the Lead Permittee.

9.08. Governing Law and Venue. This Agreement and all transactions contemplated by this Agreement shall be governed by, and construed and enforced in accordance with, the internal laws of the State of Florida without regard to any contrary conflicts of laws principle. Venue of all proceedings in connection herewith shall be exclusively in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, and each party hereby waives whatever their respective rights may have been in the selection of venue.

9.09. Headings. The headings contained in this Agreement are for convenience of reference only, and shall not limit or otherwise affect in any way the meaning or interpretation of this Agreement.

9.10. Remedies. The failure of any party to insist on a strict performance of any of the terms and conditions hereof shall be deemed a waiver of the rights or remedies that the party may have regarding that specific instance only, and shall not be deemed a waiver of any subsequent breach or default in any terms and conditions.

9.11. NPDES Permit. If there is any inconsistency between the terms of this Agreement and the applicable MS4 NPDES Permit, then the applicable MS4 NPDES Permit shall preempt, supersede, and control the provisions of this Agreement.

9.12. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

9.13. Clerk of Court. A copy of this Agreement shall be filed with the Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

9.14. Termination of Prior Agreements. All previous interlocal agreements entered into between the parties to this Agreement regarding the application or execution of a MS4 NPDES Permit shall terminate as of the Effective Date of this Agreement.

9.15. Effective Date. This Agreement shall be effective as of the date it is filed with the Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

(Balance of Page Intentionally Left Blank.)

IN WITNESS WHEREOF, the parties have set their hand and seals the day and year hereafter written.

EXECUTED by Lead Permittee this _____ day of _____, 20____.

ATTEST:

By: _____
Secretary

NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT

By: _____
Print: _____
Title: _____

[DISTRICT SEAL]

EXECUTED by Co-Permittee this _____ day of _____, 2017.

ATTEST:

By: _____
Susan A. Owens, Town Clerk

TOWN OF PALM BEACH

By: _____
Print: Mr. Thomas G. Bradford
Title: Town Manager

[SEAL]

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____

(From Fourth Cycle Permit ILA)

EXHIBIT "A"

LEAD PERMITTEE RESPONSIBILITIES

The responsibilities of the Lead Permittee as to the implementation and execution of the MS4 NPDES Permit No. FLS000018 are generally as follows:

I. The timely preparation, coordination, and execution of interlocal agreements necessary to establish and implement the joint activities to be conducted for compliance with the Permit.

II. The timely preparation, coordination, and submittal to FDEP each year during the term of this Agreement, of an annual report describing the activities carried out jointly to fulfill requirements in the permit.

III. The timely preparation, coordination, and distribution of standardized forms and guidance documents as approved by the MS4 NPDES Steering Committee to assist permittees in carrying out the terms of the MS4 NPDES Permit.

IV. The timely preparation, coordination, and execution of a countywide public education and outreach program required by Part III.A.6, Part III.A.7.e. and Part III.A.7.f. as approved by the MS4 NPDES Steering Committee.

V. The timely preparation and coordination of training materials to fulfill the requirements of Part III.A.7.c, Part A.7.d, Part III.A.9.b, and Part III.A.9.c of the MS4 NPDES permit, as approved by the MS4 NPDES Steering Committee.

VI. The timely preparation, coordination, and submittal to FDEP of major watershed pollutant load estimates required by Part V.A. of the MS4 NPDES Permit.

VII. The timely preparation, coordination, and execution of a monitoring program included in Part V.B. of the MS4 NPDES Permit.

VIII. The timely coordination, and assistance with the activities associated with the Total Maximum Daily Load (TMDL Program) as required by Part VIII.

IX. The preparation and coordination of all MS4 NPDES Steering Committee workshops and meetings.

X. The timely remittance of all necessary permit fees to FDEP, subject to the timely and sufficient collection of same for all other permittees.

The Lead Permittee Services described herein may be revised from time to time as required by each MS4 NPDES Permit, as agreed to in writing between the MS4 NPDES Steering Committee and Northern Palm Beach County Improvement District, which revisions shall be incorporated herein and made a part of this agreement.

(From Third Term Permit ILA)

EXHIBIT "A"

LEAD PERMITTEE RESPONSIBILITIES

The responsibilities of the Lead Permittee as to the implementation and execution of the MS4 NPDES Permit No. FLS000018 are generally as follows:

I. The timely preparation, coordination, and execution of interlocal agreements necessary to establish and implement the joint activities required by the Permit.

II. The timely preparation, coordination, and submittal to FDEP each year during the term of this Agreement, of an annual report describing the activities carried out jointly to fulfill requirements in the permit.

III. The timely preparation, coordination, and distribution of standardized forms and guidance documents as approved by the NPDES Steering Committee to assist permittees in carrying out the terms of the MS4 NPDES Permit.

IV. The timely preparation, coordination, and execution of a countywide public education and outreach program required by Part III.A.6, Part III.A.7.e. and Part III.A.7.f. as approved by the NPDES Steering Committee.

V. The timely preparation and coordination of training materials to fulfill the requirements of Part III.A.6, Part III.A.7.c, Part III.A.7.d, and Part III.A.9.b and Part III.A.9.c of the MS4 NPDES permit, as approved by the MS4 NPDES Steering Committee.

VI. The timely preparation, coordination, and submittal to FDEP of major watershed pollutant load estimates required by Part V.A. of the MS4 NPDES Permit.

VII. The timely preparation, coordination, and execution of a monitoring program included in Part V.B. of the MS4 NPDES Permit.

VIII. The timely coordination, assessment, monitoring and execution of activities associated with the Total Maximum Daily Load (TMDL Program) as required by Part VIII.

IX. The preparation and coordination of all MS4 NPDES Steering Committee workshops and meetings.

X. The timely remittance of all necessary permit fees to FDEP, subject to the timely and sufficient collection of same for all other permittees.

The Lead Permittee Services described herein may be revised from time to time as required by each MS4 NPDES Permit, as agreed to in writing between the MS4 NPDES Steering Committee and Northern Palm Beach County Improvement District, which revisions shall be incorporated herein and made a part of this agreement.

EXHIBIT "B"

RESOLUTION NO. 2016-17

RESOLUTION OF THE BOARD OF SUPERVISORS OF NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT APPROVING REVISIONS/UPDATES TO THE MS4 NPDES STEERING COMMITTEE ADMINISTRATIVE PROCEDURES FOR COLLECTION, MANAGEMENT AND DISBURSEMENT OF NPDES INTERLOCAL AGREEMENT FUNDS

WHEREAS, NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT ("Northern") is an independent special district duly organized and validly existing under the Constitution and the Laws of the State of Florida, including applicable provisions of Chapter 298, Florida Statutes, and Chapter 2000-467, Laws of Florida, as amended and/or supplemented; and

WHEREAS, the Florida Department of Environmental Protection ("FDEP") issued a National Pollutant Discharge Elimination System Permit No. FLS000018 (the "MS4 NPDES Permit") which is applicable to a number of governmental entities located in Palm Beach County, including Northern; and

WHEREAS, the Co-Permittees that make up the governmental bodies subject to the NPDES Permit previously nominated and appointed Northern as the "Lead Permittee" for the purposes of assisting all Co-Permittees in the collection of general data required to be collected pursuant to the MS4 NPDES Permit and the submission of reports to the Florida Department of Environmental Protection and the United States Environmental Protection Agency; and

WHEREAS, as the Lead Permittee, Northern is in the process of entering into separate Interlocal or Joint Participation Agreements with each of the Co-Permittees, which Agreements set forth the parties' respective duties and obligations regarding fulfillment of the terms and conditions of the MS4 NPDES Permit; and

WHEREAS, a seven member NPDES Steering Committee has been selected by the Co-Permittees, which Steering Committee is comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative for Palm Beach County, and the Lead Permittee; and

WHEREAS, in January of 2011, the NPDES Steering Committee, in order to provide a level of accountability and fiscal control for the benefit of all NPDES Co-Permittees as it relates to the Interlocal and/or Joint Participation Agreements being entered into between Northern and each Co-Permittee, adopted Administrative Procedures for the collection, management and disbursement of NPDES Interlocal Agreement Funds, which Administrative Procedures were thereafter adopted by Northern; and

WHEREAS, on March 21, 2012, the NPDES Steering Committee adopted revised Administrative Procedures for the Collection, Management and Disbursement of NPDES Interlocal Agreement Funds; and

WHEREAS, a new MS4 NPDES Permit was issued by FDEP to the District and the other Co-Permittees on September 8, 2016; and

WHEREAS, it is necessary to further revise the Administrative Procedures to update the years for the alternative payment schedule contained in Section I of said Procedures, and to make minor clerical revisions; and

WHEREAS, at its meeting held September 21, 2016, the NPDES Steering Committee recommended such updates be made to said Procedures; and

WHEREAS, Northern has been asked to adopt and comply with the Revised NPDES Steering Committee Administrative Procedures as recommended by the NPDES Steering Committee on September 21, 2016 for the purpose of administering the funds it receives as the Lead Permittee pursuant to each NPDES Interlocal or Joint Participation Agreement.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Northern Palm Beach County Improvement District as follows:

1. Northern Palm Beach County Improvement District does hereby adopt and agree to comply with the terms and conditions of the attached Revised NPDES Steering Committee Administrative Procedures as recommended by the NPDES Steering Committee on September 21, 2016.

2. That Northern Palm Beach County Improvement District does hereby incorporate by this reference the attached Revised NPDES Steering Committee Administrative Procedures as recommended by the NPDES Steering Committee on September 21, 2016 into each NPDES Interlocal and/or Joint Participation Agreement that it enters into with a Co-Permittee.

3. That the January 2011 Administrative Procedures as revised on March 21, 2012 and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

4. This Resolution shall take effect immediately upon its adoption.

THIS RESOLUTION PASSED AND WAS ADOPTED THE 26TH DAY OF OCTOBER, 2016.

(DISTRICT SEAL)

SEAL

NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT

ATTEST:
Print: O'Neal Bardin, IV
Title: Assistant Secretary

BY:
Print: Gary Artinian
Title: Vice President

As Revised by Steering Committee
March 21, 2012;
As Further Revised by Steering Committee
September 21, 2016

MS4 NPDES STEERING COMMITTEE ADMINISTRATIVE PROCEDURES FOR COLLECTION, MANAGEMENT AND DISBURSEMENT OF NPDES INTERLOCAL AGREEMENT FUNDS

The MS4 NPDES Steering Committee (which is comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative for Palm Beach County, and the Lead Permittee), has adopted the following administrative procedures in order to provide a level of accountability and fiscal control for the benefit of the MS4 NPDES Co-Permittees.

The administrative procedures adopted by the Steering Committee are as follows:

1. Alternative MS4 NPDES Interlocal Agreement Payment Schedules. In addition to the two (2) payment options set forth in Paragraphs 6.01 and 6.02 of the MS4 NPDES Interlocal Agreement, a Co-Permittee shall also be entitled to elect to pay the annual Funding Year payments on an equal quarterly installment basis. If this additional payment option is selected by a Co-Permittee, the quarterly payments for the First Funding Year are required to be paid on or before October 1, 2016, January 1, 2017, April 1, 2017 and July 1, 2017, with all future Funding Year quarterly payments to be paid in accordance with the same quarterly payment schedule.

NPBCID will be issuing one (1) invoice to each Co-Permittee for its annual Funding Year payment amount, following which the Co-Permittee shall then have thirty (30) days from the date of receipt of the invoice within which to select one of the three (3) payment options and to make its initial payment in accordance with the option so selected.

2. Income and Disbursement Accounting Documentation.

(A) A quarterly income and disbursement report shall be prepared by NPBCID. The report shall be delivered to the Steering Committee within forty-five (45) days following the end of each Funding Year quarter and thereafter distributed by the Steering Committee to the representative(s) of each Co-Permittee as identified in the MS4 NPDES Interlocal Agreements.

(B) The quarterly income and disbursement report shall be prepared by NPBCID in accordance with the format set forth in attached Attachment "A."

3. Budget Accounting Documentation. A quarterly budget accounting report shall be prepared by NPBCID. The report shall be delivered to the Steering Committee within forty-five (45) days following the end of each Funding Year quarter and thereafter distributed by the Steering Committee to the representative(s) of each Co-Permittee as identified in the MS4 NPDES Interlocal Agreement.

4. Reserve Fund Contingency Expenditures. Prior to any expenditures by NPBCID of funds contained in the Reserve Fund Contingency account identified in the MS4 NPDES Interlocal Agreement, for expenses not previously addressed at a Steering Committee meeting, NPBCID shall notify and consult, if time permits, the Steering Committee members.

5. Unexpected Additional Costs and Expenses. Prior to NPBCID incurring an obligation that will require a Co-Permittee to pay unexpected additional costs and expenses exceeding the amount held in the Reserve Fund Contingency, NPBCID shall notify the affected Co-Permittee(s) and the Steering Committee of the nature of the event and the amount of the unexpected additional cost and expense. Upon receipt of such notification, the Steering Committee shall present the matter for discussion and recommendation purposes to the Co-Permittees at the next regularly scheduled MS4 NPDES Steering Committee meeting (unless it is an emergency matter in which event a special meeting will be promptly scheduled and notice given to all Co-Permittees).

6. MS4 NPDES Interlocal Agreement Budget Adoption Process. All future MS4 NPDES Interlocal Agreement Funding Year budgets shall be adopted in accordance with the following procedure:

(A) On or before January 31st of each Funding Year, NPBCID shall prepare and present to the Steering Committee a proposed budget for the next Funding Year.

(B) The Steering Committee shall consider the proposed next Funding Year budget at a regular Steering Committee meeting and open the matter to discussion by those Co-Permittee representatives present and attending the meeting.

(C) Adoption of the next Funding Year's budget shall require the approval of a super-majority of at least five (5) members of the Steering Committee.

(D) As a part of the Steering Committee's consideration of the next Funding Year's budget and calculation of each Co-Permittee's allocable share and responsibility for the funding of the budget, the Steering Committee may consider the application of any existing surplus funds as a credit towards each Co-Permittee's allocable funding shares. "Surplus funds" for the purpose of this administrative guideline may include unexpended and unencumbered present Funding Year funds or Reserve Fund Contingency amounts, plus accrued interest thereon, if any.

(E) The Steering Committee shall also be responsible for approving, by a simple majority of those Steering Committee members in attendance (provided there is a quorum) at a Steering Committee meeting, line item budget transfers.

APPROVED AND ADOPTED THIS 19th DAY OF JANUARY, 2011.

ATTACHMENT "A"

MS4 NPDES QUARTERLY INCOME AND DISBURSEMENT REPORT
FISCAL YEAR _____
FOR PERIOD _____ TO _____

CASH ON HAND [date]		**XXX,XXX.XX**
REVENUE: _____ TO _____		
AGREEMENT FEES	XXX,XXX.XX	
TOTAL REVENUES	XXX,XXX.XX	**XXX,XXX.XX**
TOTAL CASH AND REVENUES AVAIL FOR EXPENDITURES		**XXX,XXX.XX**
EXPENDITURES PAID DURING _____ TO _____		
ENGINEERING	X.XX	
OTHER PROFESSIONAL FEES	X.XX	
MISCELLANEOUS EXPENSES	X.XX	
GOVERNMENTAL REGISTRATION FEES	X.XX	
LEGAL	X.XX	
TOTAL EXPENDITURES	X.XX	**X.XX**
FUND BALANCE AT [date]		**XXX,XXX.XX**
RESERVE FOR CONTINGENCIES		-XX,XXX.XX
UNRESERVED FUND BALANCE		**XXX,XXX.XX**

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 21-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 45-2016 Previously Approved by the Town Council on April 13, 2016, Which Resolution is Recorded in O.R. Box 28261, Page 0280, Copy of Which is Attached, Correcting Said Resolution to Attach the Correct Exhibits.

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

ATTACHMENTS:

- **Memorandum dated January 31, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 21-2017**
- **TC Memorandum dated April 13, 2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Amending Resolution No. 45-2016 Authorizing to Vacate, Abandon, and Rededicate a Portion of an Existing Private Right-of-Way Known as Blossom Way Providing Accurate Legal Descriptions
Resolution No. 21-2017

DATE: January 31, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 21-2017 amending Resolution No. 45-2016 authorizing the vacating, abandonment, and rededication of a portion of the private right-of-way known as Blossom Way in the Blossom Estates subdivision with revised legal descriptions. Town Council previously approved this action at the April 13, 2016 Development Review Meeting. The approval was with the condition that the owner shall pay all fees related to implementing the vacating, abandonment, and rededication, including, but not limited to, recording fees and utility relocation.

GENERAL INFORMATION

Unfortunately, when Town Council approved this resolution, the exhibits provided were incorrect. The resolution has been revised to include the correct exhibits which include the correct legal description. Upon realizing the error, the property owner sought direction from staff on how to remedy the situation. John Randolph, Town Attorney, recommended the Resolution be returned to Town Council to approve as amended reflecting the correct legal descriptions. Attached for backup is the previous Town Council memorandum recommending approval.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Charles R. Langley, P.E., Planning, Zoning & Building Project Engineer
Allen Powery, Public Works Inspector

RESOLUTION NO. 21-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 45-2016 PREVIOUSLY APPROVED BY THE TOWN COUNCIL ON APRIL 13, 2016, WHICH RESOLUTION IS RECORDED IN O.R. BOOK 28261, PAGE 0280, COPY OF WHICH IS ATTACHED, CORRECTING SAID RESOLUTION TO ATTACH THE CORRECT EXHIBITS.

* * * * *

WHEREAS, the Town Council, on April 13, 2016, approved Resolution No. 45-2016, authorizing the vacating, abandonment, and rededication of a portion of private right-of-way known as Blossom Way in the Blossom Estates subdivision; and

WHEREAS, the exhibits attached to that Resolution were incorrect; and

WHEREAS, the Town Council wishes to amend the Resolution so as to attach and incorporate the correct exhibits, which include the correct legal descriptions; and

WHEREAS, Resolution No. 45-2016 vacating and abandoning a partial private right-of-way and rededicating a new private right-of-way is hereby amended as follows:

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. That the partial private right-of-way described and illustrated on Exhibit "A-1" along Blossom Way is hereby vacated and abandoned.

Section 3. That the private right-of-way described and illustrated on Exhibit "A-2" along Blossom Way is hereby rededicated as a private right-of-way for the use and benefit of the Blossom Estates homeowners.

Section 4. The Town Clerk is hereby authorized to advertise and record the Resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 14th day of February 2017.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

ATTEST:

, Town Council Member

Susan A. Owens, MMC, Town Clerk

, Town Council Member

DESCRIPTION SKETCH FOR:
BLOSSOM WAY HOLDINGS, LLC

LEGAL DESCRIPTION:
A portion of the private road called Blossom Way shown on the **REPLAT OF THE BLOSSOM ESTATE** as recorded in Plat Book 54, Page 127, Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of Lot 2, according to said Plat, said corner lying on a curve concave to the West having a radius of 200.00 feet, a central angle of 14°57'41" and a radial bearing at this point of South 79°57'29" West; thence Southerly, along the arc of said curve and the East line of said Blossom Way, a distance of 52.23 feet to the beginning of a reverse curve concave to the East having a radius of 130.00 feet and a central angle of 17°50'15"; thence Southerly, along the arc of said curve, a distance of 40.47 feet to the **POINT OF BEGINNING** of the hereinafter described parcel; thence continue along said curve through a central angle of 5°04'45" an arc distance of 11.52 feet to the beginning of a reverse curve concave to the West having a radius of 200.00 feet and a central angle of 13°30'00"; thence Southerly, along the arc of said curve, a distance of 47.12 feet to a point of tangency; thence South 04°29'50" East a distance of 10.52 feet to the beginning of a curve concave to the East having a radius of 25.00 feet and a central angle of 63°48'37";
thence Southerly, along the arc of said curve, a distance of 27.84 feet to the beginning of a reverse curve concave to the North having a radius of 40.00 feet and a central angle of 281°40'36";
thence Southerly, Westerly and Northerly, along the arc of said curve, a distance of 196.65 feet to the beginning of a reverse curve concave to the West having a radius of 25.00 feet and a central angle of 37°52'12";
thence Northerly, along the arc of said curve, a distance of 16.52 feet to a point of tangency;
thence North 04°29'50" West, a distance of 28.94 feet to the beginning of a curve concave to the West having a radius of 170.00 feet and a central angle of 13°30'00";
thence Northerly, along the arc of said curve, a distance of 40.06 feet to the beginning of a reverse curve concave to the East having a radius of 160.00 feet and a central angle of 22°55'00";
thence Northerly, along the arc of said curve, a distance of 64.00 feet to a point of cusp of a curve concave to the Northeast having a radius of 40.00 feet and a central angle of 84°37'47";
thence Southeasterly, along the arc of said curve, a distance of 59.08 feet to the **POINT OF BEGINNING.**

The North line of said Lot 2 is assumed to bear North 88°38'54" West and all other bearings are relative thereto.

Containing in all 8,146 square feet, more or less.

NOTES:
1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation.**
4. This is not a survey!

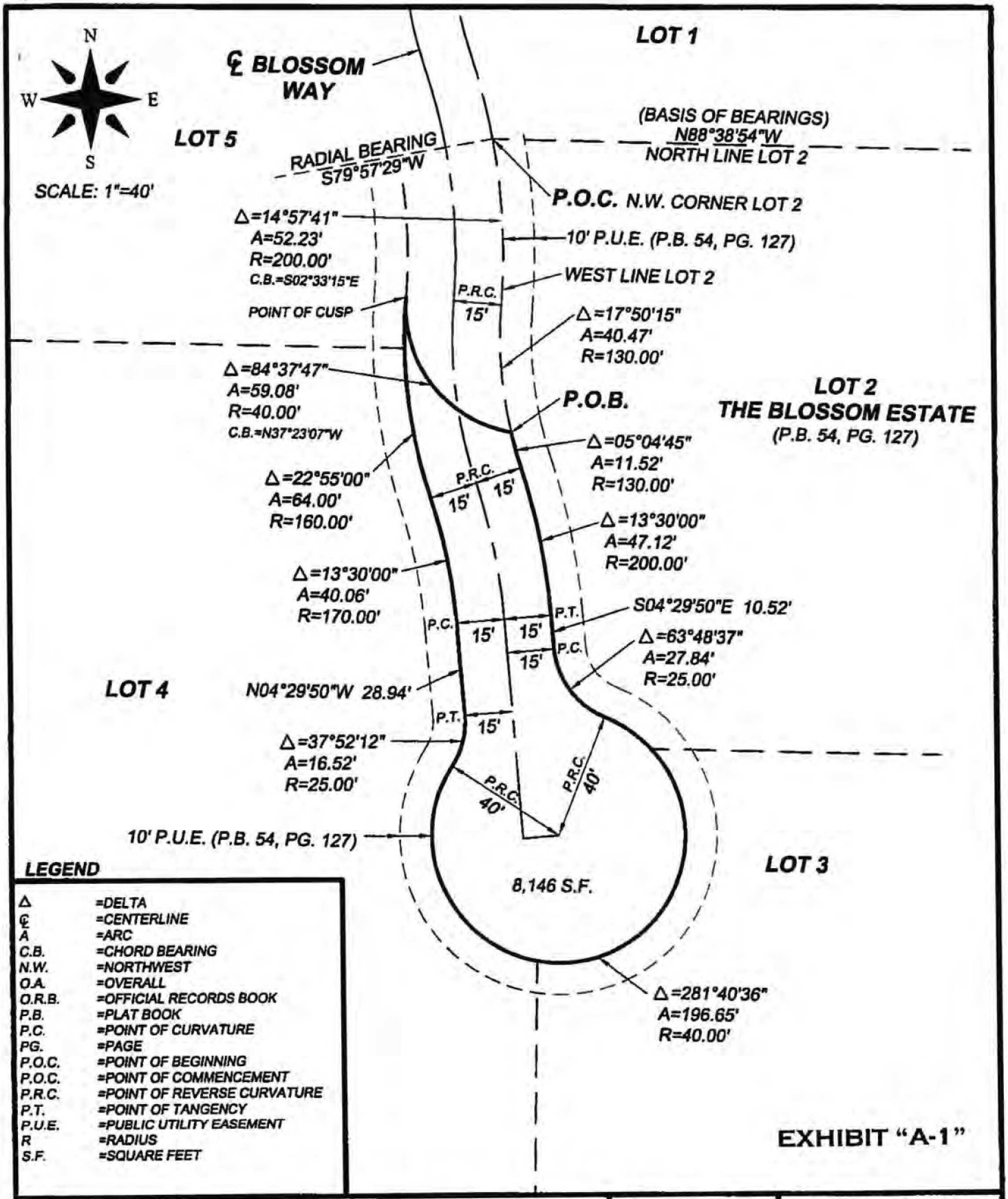
CERTIFICATION:
I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

EXHIBIT "A-1"

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 3/29/16	DWG. No.: 86-1063-6
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 86-1063-6.DWG



WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 3/29/16	DWG. No.: 86-1063-6
OFFICE: M.B.	SHEET: 2 OF 2
C'K'D.: C.W.	REF.: 86-1063-6.DWG

DESCRIPTION SKETCH FOR:
BLOSSOM WAY HOLDINGS, LLC

LEGAL DESCRIPTION:
A portion of Lots 1 and 2 as shown on the **REPLAT OF THE BLOSSOM ESTATE** as recorded in Plat Book 54, Page 127, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Lot 2, according to said Plat, said corner lying on a curve concave to the West having a radius of 200.00 feet, a central angle of 1°46'07" and a radial bearing at this point of South 79°57'29" West;
thence Northerly, along the arc of said curve and the West line of said Lot 1, a distance of 6.17 feet to a point of cusp of a curve concave to the Northeast having a radius of 25.00 feet and a central angle of 68°25'49";
thence Southeasterly, departing said West line and along the arc of said curve, a distance of 29.86 feet to the beginning of a reverse curve concave to the West having a radius of 40.00 feet and a central angle of 180°32'37";
thence Southerly, along the curve, a distance of 126.04 feet to a point on the West line of said Lot 2;
thence Northerly, along said West line and along the arc of a curve concave to the East having a radius of 130.00 feet, a central angle of 17°50'15" and a chord bearing of North 03°59'57" West, an arc distance of 40.47 feet to the beginning of a reverse curve concave to the West having a radius of 200.00 feet and a central angle of 14°57'41";
thence Northerly, along the arc of said curve, a distance of 52.23 feet to said Northwest corner and the **POINT OF BEGINNING.**

The North line of said Lot 2 is assumed to bear North 88°38'54" West and all other bearings are relative thereto.

Containing in all 3,350 square feet, more or less.

NOTES:
1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation.**
4. This is not a survey!

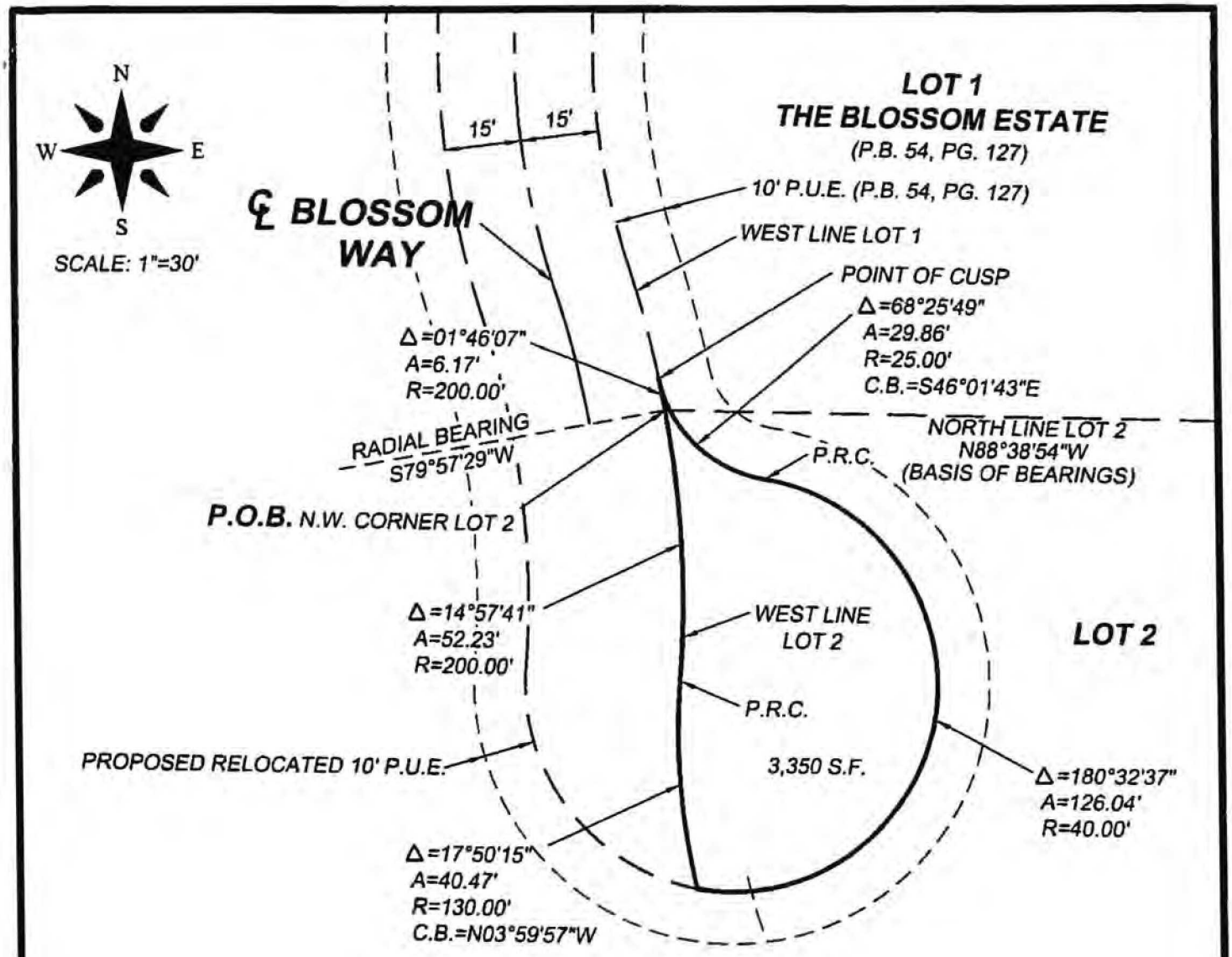
CERTIFICATION:
I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

EXHIBIT "A-2"

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 • (561) 640-4551

DATE: 3/29/16	DWG. No.: 86-1063-5
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 86-1063-5.DWG



LEGEND

Δ	=DELTA
℄	=CENTERLINE
A	=ARC
C.B.	=CHORD BEARING
N.W.	=NORTHWEST
O.A.	=OVERALL
O.R.B.	=OFFICIAL RECORDS BOOK
P.B.	=PLAT BOOK
P.C.	=POINT OF CURVATURE
PG.	=PAGE
P.O.C.	=POINT OF BEGINNING
P.O.C.	=POINT OF COMMENCEMENT
P.R.C.	=POINT OF REVERSE CURVATURE
P.T.	=POINT OF TANGENCY
P.U.E.	=PUBLIC UTILITY EASEMENT
R	=RADIUS
S.F.	=SQUARE FEET

EXHIBIT "A-2"

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 3/29/16	DWG. No.: 86-1063-5
OFFICE: M.B.	SHEET: 2 OF 2
C'K'D.: C.W.	REF.: 86-1063-5.DWG

CFN 20160148195
OR BK 28261 PG 0280
RECORDED 04/28/2016 13:54:11
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0280 - 285; (6pgs)

RESOLUTION NO. 45-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING, ABANDONING, AND REDEDICATING A PORTION OF AN EXISTING PRIVATE RIGHT-OF-WAY KNOWN AS BLOSSOM WAY, IN THE TOWN OF PALM BEACH, FLORIDA.

* * * * *

WHEREAS, the owner of Lots 1-4 of the Blossom Estates Subdivision requested a partial abandonment of Blossom Way; and

WHEREAS, the owner of Lots 1-4 has agreed to pay the cost of all utility adjustments associated with this partial abandonment; and

WHEREAS, all existing property owners of Blossom Estates have consented to this partial abandonment; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the partial abandonment does not negatively impact existing property owners nor does it negatively impact the provision of Town services, and

WHEREAS, it is necessary that there be a rededication of a private right of way as described herein, and

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. That the partial private right of way described and illustrated on Exhibit "A-1" along Blossom Way is hereby vacated and abandoned.

Section 3. That the private right-of-way described and illustrated on Exhibit "A-2" along Blossom Way is hereby rededicated as a private right-of-way for the use and benefit of the Blossom Estates homeowners.

Section 4. The Town Clerk is hereby authorized to advertise and record the Resolution pursuant to law.

This is not a certified copy

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 12th day of April 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

Danielle H. Moore, Town Council Member

Margaret A. Zeidman, Town Council Member

ATTEST:

~~Susan A. Owens, MMC~~, Town Clerk
Cheryl Somers, Acting

This is not a certified copy

This is not a certified copy

DESCRIPTION SKETCH FOR:
BLOSSOM WAY HOLDINGS, LLC

LEGAL DESCRIPTION:
A portion of Lots 1 and 2 as shown on the **REPLAT OF THE BLOSSOM ESTATE** as recorded in Plat Book 54, Page 127, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Lot 2, according to said Plat, said corner lying on a curve concave to the West having a radius of 200.00 feet, a central angle of 1°46'07" and a radial bearing at this point of South 79°57'29" West;
thence Northerly, along the arc of said curve and the West line of said Lot 1, a distance of 6.17 feet to a point of cusp of a curve concave to the Northeast having a radius of 25.00 feet and a central angle of 68°25'49";
thence Southeasterly, departing said West line and along the arc of said curve, a distance of 29.86 feet to the beginning of a reverse curve concave to the West having a radius of 40.00 feet and a central angle of 180°32'37";
thence Southerly, along the curve, a distance of 126.04 feet to a point on the West line of said Lot 2;
thence Northerly, along said West line and along the arc of a curve concave to the East having a radius of 130.00 feet, a central angle of 17°50'15" and a chord bearing of North 03°59'57" West, an arc distance of 40.47 feet to the beginning of a reverse curve concave to the West having a radius of 200.00 feet and a central angle of 14°57'41";
thence Northerly, along the arc of said curve, a distance of 52.23 feet to said Northwest corner and the **POINT OF BEGINNING.**

The North line of said Lot 2 is assumed to bear North 88°38'54" West and all other bearings are relative thereto.

Containing in all 3,350 square feet, more or less.

NOTES:
1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
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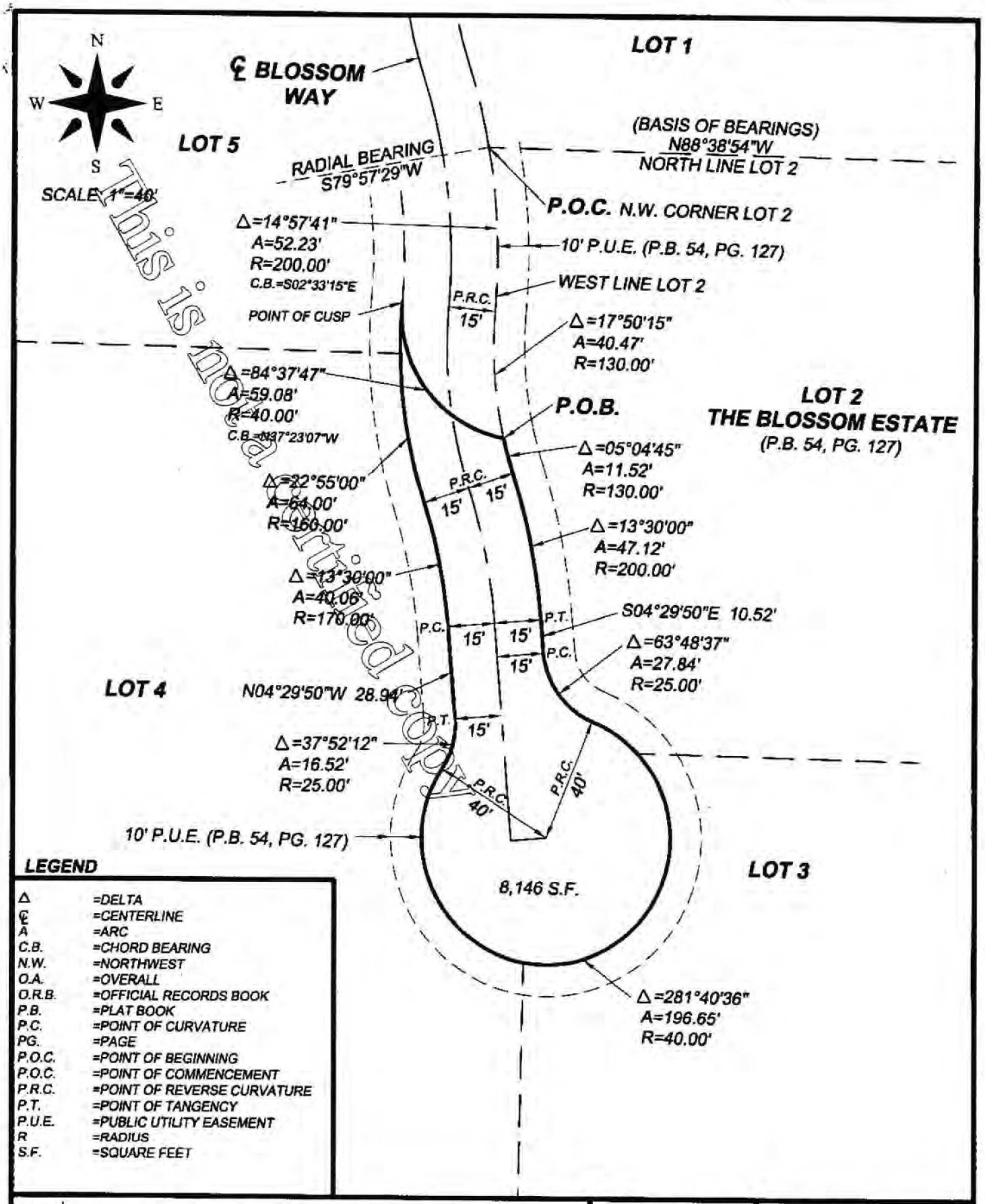
CERTIFICATION:
I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

EXHIBIT A-1

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 3/29/16	DWG. No.: 86-1063-5
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 86-1063-5.DWG



This is not a certified copy

DESCRIPTION SKETCH FOR:
BLOSSOM WAY HOLDINGS, LLC

LEGAL DESCRIPTION:
A portion of the private road called Blossom Way shown on the **REPLAT OF THE BLOSSOM ESTATE** as recorded in Plat Book 54, Page 127, Public Records of Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of Lot 2, according to said Plat, said corner lying on a curve concave to the West having a radius of 200.00 feet, a central angle of 14°57'41" and a radial bearing at this point of South 79°57'29" West; thence Southerly, along the arc of said curve and the East line of said Blossom Way, a distance of 52.23 feet to the beginning of a reverse curve concave to the East having a radius of 130.00 feet and a central angle of 17°50'15"; thence Southerly, along the arc of said curve, a distance of 40.47 feet to the **POINT OF BEGINNING** of the hereinafter described parcel; thence continue along said curve through a central angle of 5°04'45" an arc distance of 11.52 feet to the beginning of a reverse curve concave to the West having a radius of 200.00 feet and a central angle of 13°30'00"; thence Southerly, along the arc of said curve, a distance of 47.12 feet to a point of tangency; thence South 04°29'50" East a distance of 10.52 feet to the beginning of a curve concave to the East having a radius of 25.00 feet and a central angle of 63°48'37";
thence Southerly, along the arc of said curve, a distance of 27.84 feet to the beginning of a reverse curve concave to the North having a radius of 40.00 feet and a central angle of 281°40'36";
thence Southerly, Westerly and Northerly, along the arc of said curve, a distance of 196.65 feet to the beginning of a reverse curve concave to the West having a radius of 25.00 feet and a central angle of 37°52'12";
thence Northerly, along the arc of said curve, a distance of 16.52 feet to a point of tangency;
thence North 04°29'50" West, a distance of 28.94 feet to the beginning of a curve concave to the West having a radius of 170.00 feet and a central angle of 13°30'00";
thence Northerly, along the arc of said curve, a distance of 40.06 feet to the beginning of a reverse curve concave to the East having a radius of 160.00 feet and a central angle of 22°55'00";
thence Northerly, along the arc of said curve, a distance of 64.00 feet to a point of cusp of a curve concave to the Northeast having a radius of 40.00 feet and a central angle of 84°37'47";
thence Southeasterly, along the arc of said curve, a distance of 59.08 feet to the **POINT OF BEGINNING.**

The North line of said Lot 2 is assumed to bear North 88°38'54" West and all other bearings are relative thereto.

Containing in all 8,146 square feet, more or less.

Internet Posting Copy

NOTES:
1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation.**
4. This is not a survey!

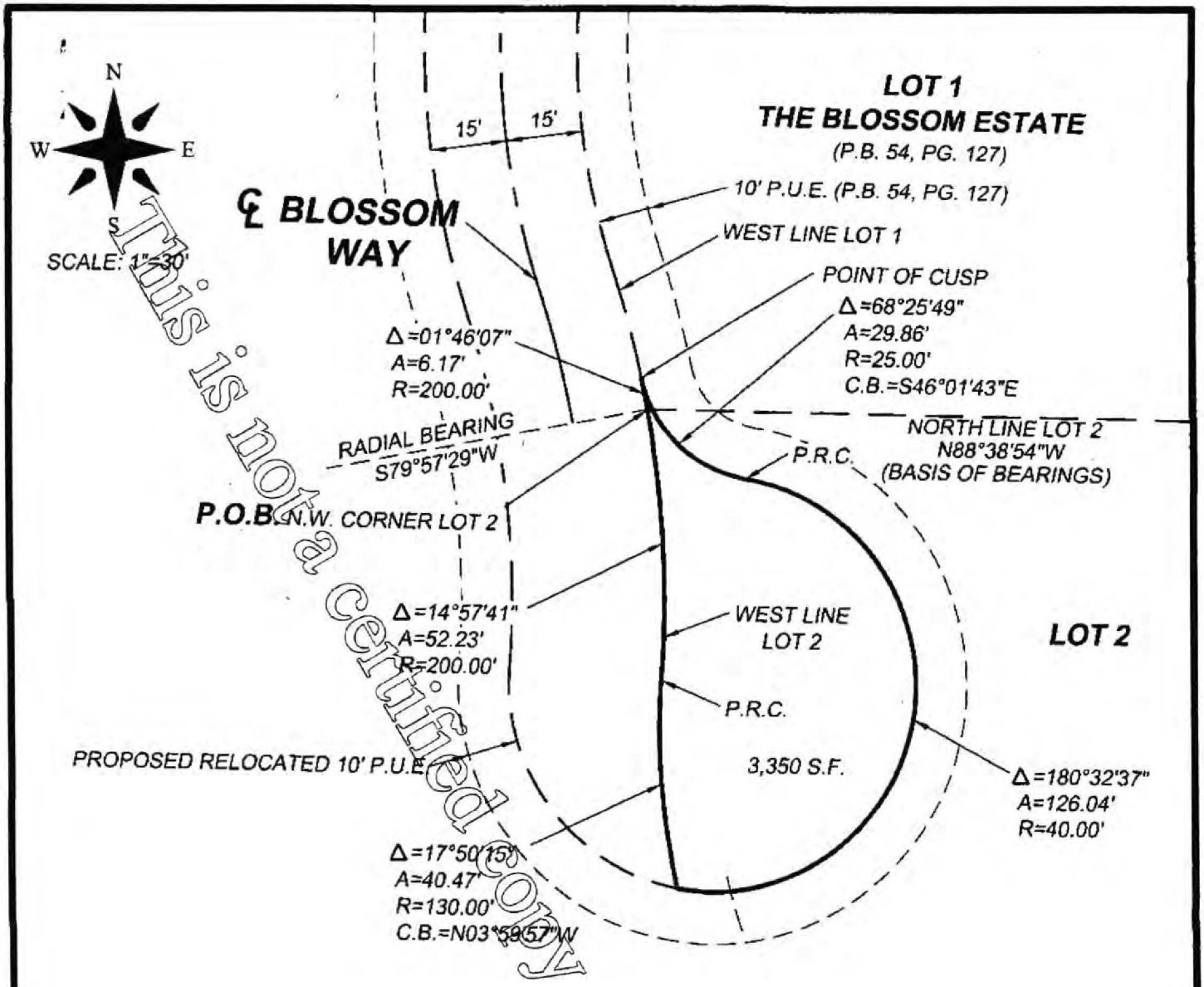
CERTIFICATION:
I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

EXHIBIT A-2

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4589
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 840-4551

DATE: 3/29/16	DWG. No.: 86-1063-6
OFFICE: M.B.	SHEET: 1 OF 2
C'K'D.: C.W.	REF.: 86-1063-6.DWG



LEGEND

Δ	=DELTA
℄	=CENTERLINE
A	=ARC
C.B.	=CHORD BEARING
N.W.	=NORTHWEST
O.A.	=OVERALL
O.R.B.	=OFFICIAL RECORDS BOOK
P.B.	=PLAT BOOK
P.C.	=POINT OF CURVATURE
PG.	=PAGE
P.O.C.	=POINT OF BEGINNING
P.O.C.	=POINT OF COMMENCEMENT
P.R.C	=POINT OF REVERSE CURVATURE
P.T.	=POINT OF TANGENCY
P.U.E.	=PUBLIC UTILITY EASEMENT
R	=RADIUS
S.F.	=SQUARE FEET

WALLACE SURVEYING CORP. LICENSED BUSINESS # 4569
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 3/29/16	DWG. No.: 86-1063-5
OFFICE: M.B.	SHEET: 2 OF 2
C'K'D.: C.W.	REF.: 86-1063-5.DWG

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization to Vacate, Abandon, and Rededicate a Portion of an Existing Private Right-of-Way Known as Blossom Way
Resolution No. 45-2016

Date: March 17, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 45-2016 authorizing the vacating, abandonment, and rededication of a portion of the private right-of-way known as Blossom Way in the Blossom Estates subdivision. If Town Council approves the abandonment and rededication of the private right-of-way, said approval should be with the condition that the owner shall pay all fees related to implementing the vacating, abandonment, and rededication, including but not limited to recording fees and utility relocation.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the Lots 1-4 of Blossom Estates Subdivision has made application to abandon and rededicate a portion of the private right-of-way known as Blossom Way. The partial abandonment is shown as Exhibit "A-1" of the proposed resolution. The partial right of way to be rededicated is shown as Exhibit "A-2". An application fee of $1,000 was received with the application for partial abandonment. The relocated cul-de-sac will be constructed to the same size as the existing one which meets the service requirements of Public Works.

All utilities will be reimbursed for any and all costs associated with the the abandonment and rededication as described by the applicant.

The applicant's attorney has provided copies of executed and witnessed consent letters from all of the existing property owners of Blossom Estates to this partial abandonment.

No public property is being gained by owner by virtue of the abandonment of the private right-of-way, therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Planning, Zoning & Building Project Engineer
Allen Powery, Public Works Inspector

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Consent - Other

Agenda Title
Budget Calendar for FY18 Budget Process

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Memorandum Dated February 3, 2017, from Jane Struder, Director of Finance**
- **FY18 Budget Calendar**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Budget Calendar for FY18 Budget Process

Date: February 3, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the proposed FY18 budget calendar.

GENERAL INFORMATION

The attached budget calendar for FY18 includes all significant deadlines and meetings that are planned for the budget process. These include both State mandated actions (e.g. the special Town Council meeting in July and public hearings in September) and the Town's self-directed actions (e.g. the Town Council meeting in April to review the Long Term Financial Plan and discuss budget priorities). Items requiring Town Council action are highlighted in blue and shown in red type on the calendar.

The dates for the public hearings in September are tentative and are subject to change based on the dates of the County and School Board public hearings. Significant dates during the budget process include:

- **March 14, 2017** – Adoption of the Town Manager's Goals for FY18
- **An April date TBD** – Review of Long Term Financial Plan and discussion of the FY18 budget, process and priorities.
- **July 11, 2017** – Town Council meeting to review Town staff's proposed FY18 budget and Initial Resolutions Adopting Special Non-Ad Valorem Assessments.
- **September 12, 2017 at 5:01pm** – First public hearing on tentative budget and proposed tax rate.
- **September 20, 2017 at 5:01pm** – Second public hearing on budget and proposed tax rate.

Staff looks forward to working with the Mayor and Town Council on the FY18 budget.

Attachment
jls
cc: Department Directors
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

FY2018 Budget Calendar

Task	Date	Task	Date
Finance to distribute FY18 Budget instructions	03/06/2017	Town Manager's Review of Town Manager, Risk Insurance, and Finance and ERF Budgets	05/31/2017
Town Council Meeting – Adoption of the Town Manager's Goals for FY18	**03/14/2017**	Property Appraiser Issues Preliminary Property Values	06/1/2017
Submit initial CIP Request forms to Public Works	03/17/2017	Final Budget Document Pages Returned to Finance	06/9/2017
Town Council Meeting – Discussion of FY18 Budget Plan and LTFP	**TBD**	Town Manager's Additional Review of Department Budgets (As Needed) - Town Manager review of Revenue Estimates with Finance Director	June 2017
CIP Request forms and Budget Information submitted to Finance	04/17/2017	Notice from Property Appraiser of Preliminary Certification of Taxable Value	06/30/2017
Town Manager's Review of IT Budget	04/19/2017	Distribution of Proposed FY18 Budget Document	Week of July 3
Town Manager's Review of Fire-Rescue Budget and Police Budgets	04/20/2017	**Town Council Meeting to Consider Proposed FY18 Budget and Initial Resolutions(s) Adopting Special Non-Ad Valorem Assessments**	**07/11/2017**
Town Manager's Review of Recreation Enterprise Fund Budget	04/25/2017	Notice of Proposed Property Taxes is mailed from Palm Beach Property Appraiser	Week of August 14
Town Manager's Review of Planning, Zoning and Building Budget	05/18/2017	**Town Council Meeting – First Public Hearing to Approve Tentative Budget and Proposed Tax Rate for FY18 and Final Resolution(s) Adopting Special Non-Ad Valorem Assessments**	**09/12/2017 5:01PM**
Town Manager's Review of Public Works, Capital, and Coastal Budgets	05/16/2017GF 5/23/17-CIP/ Coastal	**Town Council Meeting – Second Public Hearing to Adopt FY18 Budget and Tax Rate**	**09/20/2017 5:01PM**
Town Manager's Review of Human Resources Budget (Health and OPEB)	05/24/2017	Resolution Adopting Final Millage Rate is Forwarded to Property Appraiser and Tax Collector and Certificate of Compliance sent to Department of Revenue	9/29/2017

January 2017

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February 2017

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March 2017

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April 2017

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May 2017

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June 2017

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July 2017

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August 2017

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September 2017

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October 2017

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November 2017

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December 2017

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31						

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Consent - Other

Agenda Title
Town of Palm Beach Underground Utility Project Dashboard

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **UUTF Dashboard January 2017**

Town Of Palm Beach
Undergrounding Project

Report: January 2017

Updates

GO Bond schedule is delayed

The Goldmacher lawsuit is proceeding and no dates have been set

Status Legend

Green (1) - On Task
Yellow (2) - Caution
Red (3) - Not On Task

Engineering

Master Plan	Budget	1	81.35%	100.0%
	Schedule	2	92.00%	100.0%
North End Design	Budget	1	63.99%	100.0%
	Schedule	2	80.00%	100.0%
South End Design	Budget	1	52.14%	100.0%
	Schedule	2	72.00%	100.0%

Easement Acquisition

Easement Acquisition	1	25.00%	100.0%

Financing

Financing	2	0.00%	100.0%

Communications

Communications	Budget	1	20.27%	100.0%
	Schedule	1	55.00%	100.0%

Saves And Raves

AT&T agreed to modify design to reduce conduit. Savings of between $3-$9 per LF

AT&T delivered design to KH ahead of schedule



Underground Utility Task Force
Monthly Progress Report
January 2017

Table of Contents

Dashboard Cover Page

1. Kimley-Horn Progress Report
2. Master Plan Gantt Chart
3. Project Design Gantt Chart
4. Budget Report
5. Financing Schedule – not included, in process of being updated
6. Interest Rate Forecast as of January 27, 2017

The following reports will be provided when applicable in future reporting:

- Easement Acquisition Report
- Communication Report
- Construction Updates and Status Report
- Safety and Reliability Reports
- Completion Milestones

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of $90 million.
- Amounts on dashboard are percentages of total budget and design completed related to master planning, north and south end design.
- We will be making additional changes in future dashboards to reflect a new section with monthly highlights, including UUTF and Town Council decisions affecting the project, and other format changes.

Prepared by the Finance Department
February 3, 2017

Town-Wide Undergrounding Project
Progress Report
Period: December 22, 2016 to January 27, 2017

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
  - Master Planning is 92% complete
  - North End Design is 80% complete
  - South End Design is 72% complete
- Budget: Project is on budget as of January 15, 2017.
  - Master Planning is at 89% of total task budget
  - North End Design is at 64% of total task budget
  - South End Design at 57% of total task budget

B. Master Planning Phase

- The draft master plan document was submitted to Town staff for review and comment.
- Numerous meetings and discussions occurred with Town staff, consultant team members and the utility owners regarding the draft opinion of probable cost for the program. Discussions focused on value engineering opportunities and ways that the utility companies can financially participate in the program to offset costs.
- Meetings were held with Hotwire and FPL FiberNet after receipt of their Maintenance of Traffic Permit applications to perform extensions of their network within the Town. The discussions centered on their interest to serve broader areas of the Town and ways they could participate in the Undergrounding Program through cost and/or revenue sharing. Both companies are currently determining what their specific level of interest may be in serving the Town with fiber optic service. Both look forward to responding to the Town's upcoming Broadband RFI.
- The Project Delivery Method Recommendation was presented and approved by the Town Council.
- A draft Broadband RFI was submitted to the Town by Magellan. This document was reviewed by Kimley-Horn and the Town and is in the process of being finalized for advertisement.

C. Detailed Design Phase

- Coordination with soft-dig subconsultant for finalization of the soft dig reports for the south end.
- Subconsultant/utility owner coordination towards submittal of the Bid Documents.
- Receipt of preliminary conduit plans from AT&T on the north end and Comcast on both the north and south ends. Coordination meetings occurred between these utilities and the design team

occurred to clarify and coordinate elements of the network designs received.

- Coordination with Town Attorney, Brannon & Gillespie, Waypoint Engineering and FPL related to equipment locations and easement requirements.
- Development of north and south end easement exhibits for Town Attorney use in the easement acquisition process.
- Field meetings with residents to discuss easements were performed. Coordination with surveyor to develop legal sketches and descriptions for agreed upon easements.
- The Town publicly advertised for Construction Management at Risk services for Phases 1 North and South. A pre-proposal meeting was held at the Public Works Department on January 25th.
- Impacted street lighting replacement design (north end) in progress.
- Secondary service conductor design for commercial services (south end) in progress.
- Progress meetings occurred to coordinate various elements of the project.

II. Upcoming Activities (January 28, 2017 – February 28, 2017)

A. Master Planning Phase

- Completion and submittal of the draft Broadband Infrastructure Assessment report and advertisement of an RFI to gauge the interest of the broadband community (beyond the incumbents) in providing service to the Town. RFI results will help better define a recommended broadband option to proceed and will refine cost and revenue projections. RFI results are expected to be received in early March.
- Incorporation of staff and UUTF comments into the master plan. Meetings will continue with consultant team, Town staff, utility providers and potential broadband providers to finalize program costs, revenue projections, and schedule will occur. It is anticipated that these activities can be completed for a master plan presentation in April 2017.

B. Detailed Design Phase

- We anticipate that we will continue to refine the bid documents based on progress with the easement acquisition process, coordination with the utility owners, value engineering activities and various other minor design elements. These final coordination items are anticipated to be complete by the time the Construction Managers are selected.
- Continued coordination with FPL / AT&T / Comcast to work out final coordination issues.
- The easement acquisition process will continue through the Town Attorney's office including field meetings with affected residents.
- The Construction Manager at Risk proposal packages will be received and evaluated. Award recommendations will be presented to the Task Force and Council in March. A separate

Construction Manager will be selected for the north and south phases.

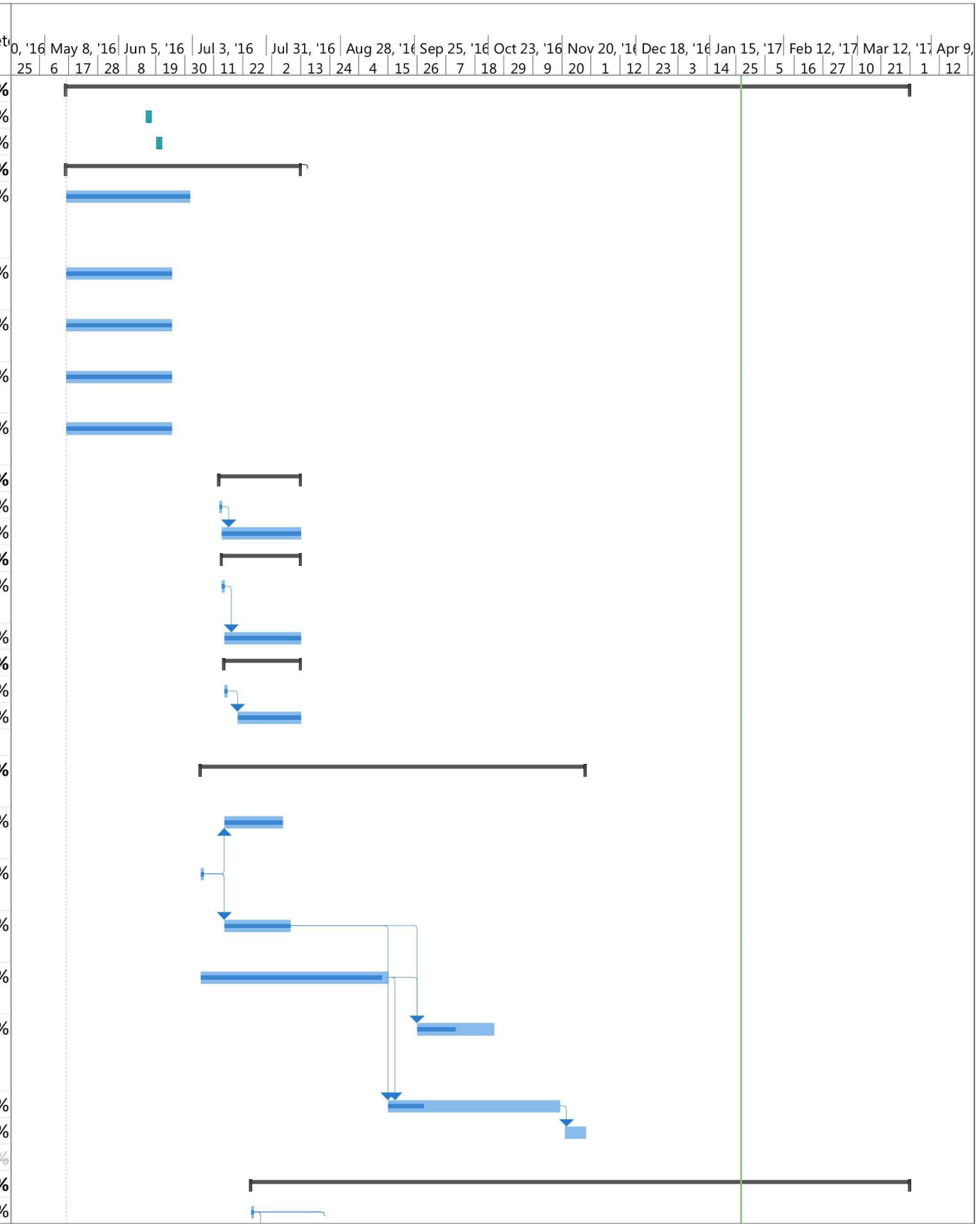
- Design Progress Meetings will continue to be held with the Design Team and Utility Owners.

III. Saves and Raves

A. *Saves:* AT&T has stated that for this program only, they would modify their design standard for main line conduit from 2-4" conduits to 1-5" conduit. This can save between $3/LF and $9/LF depending on the installation method (trench or bored).

B. *Raves:* AT&T for being a partner to the project by modifying their design standards to help save the Town money and for delivering their north end network design two days early.

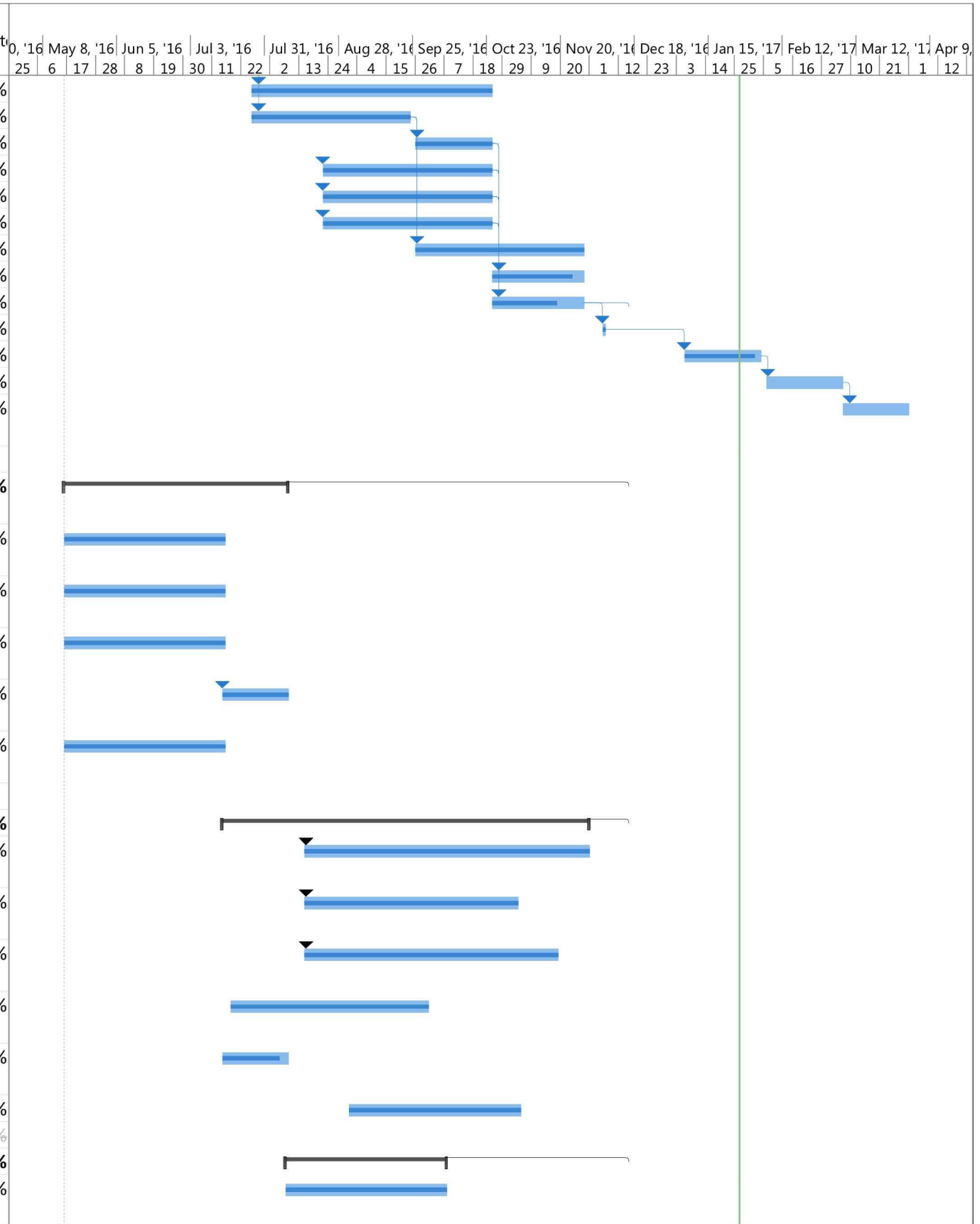
ID	Task Mode	Task Name	Duration	Start	Finish	% Complete
1		**Master Planning**	**230 days?**	**Mon 5/16/16**	**Fri 3/31/17**	**92%**
2		**External Project Kick off Meeting**	1 day	Thu 6/16/16	Thu 6/16/16	100%
3		**Internal Project Kick off Meeting**	1 day	Mon 6/20/16	Mon 6/20/16	100%
4		**Task 1.1.1 - Data Collection**	**65 days?**	**Mon 5/16/16**	**Fri 8/12/16**	**99%**
5		Collect/Analyze Town Project Data- ACIP Program Information (roads, drainage, street lights, other planned ACIP projects)	35 days	Mon 5/16/16	Fri 7/1/16	100%
6		Collect/Analyze City Data - Watermain program information	30 days	Mon 5/16/16	Fri 6/24/16	100%
7		Collect/Analyze Lake Worth and South Palm Beach data at project limits	30 days	Mon 5/16/16	Fri 6/24/16	100%
8		Collect/Analyze FPU - gas main replacement program	30 days	Mon 5/16/16	Fri 6/24/16	100%
9		Collect/ Analyze - FDOT records and proposed projects in Town limits	30 days	Mon 5/16/16	Fri 6/24/16	100%
10		**Collect/Analyze FPL**	**23 days?**	**Wed 7/13/16**	**Fri 8/12/16**	**100%**
11		Office Meeting/Record Review with FPL	1 day?	Wed 7/13/16	Wed 7/13/16	100%
12		Field Verification of Major Utility Elements	22 days	Thu 7/14/16	Fri 8/12/16	100%
13		**Collect/Analyze ATT**	**22 days?**	**Thu 7/14/16**	**Fri 8/12/16**	**100%**
14		Office Meeting/Record Review with ATT (infrastructure / Smart Poles)	1 day?	Thu 7/14/16	Thu 7/14/16	100%
15		Field Verification of Major Utility Elements	21 days	Fri 7/15/16	Fri 8/12/16	100%
16		**Collect/Analyze Comcast**	**21 days**	**Fri 7/15/16**	**Fri 8/12/16**	**100%**
17		Office Meeting/Record Review with Comcast	1 day	Fri 7/15/16	Fri 7/15/16	100%
18		Field Verification of Major Utility Elements	18 days	Wed 7/20/16	Fri 8/12/16	100%
19						
20		**Task 1.1.2 - Data Collection-Future Communications Systems**	**104 days**	**Wed 7/6/16**	**Mon 11/28/16**	**64%**
21		Collect/Analyze - TOPB Police and Fire Dept private lines	16 days	Fri 7/15/16	Fri 8/5/16	100%
22		Meeting with Town Public Works staff, Fire Department Staff, and Police Staff	1 day	Wed 7/6/16	Wed 7/6/16	100%
23		Analysis of Town-wide Closed communications system expansion (police/fire/public works)	17 days	Fri 7/15/16	Mon 8/8/16	100%
24		Analysis of Town-wide Closed Circuit communications system	51 days	Wed 7/6/16	Wed 9/14/16	95%
25		Develop recommendations/conceptual order of magnitude OPC (Town Future Communications only)	21 days	Mon 9/26/16	Mon 10/24/16	50%
26		Draft and Issue summary memorandum	47 days	Thu 9/15/16	Fri 11/18/16	20%
27		Review recommendations with Town	6 days	Mon 11/21/16	Mon 11/28/16	0%
28						0%
29		**Broadband Infrastructure Assessment**	**180 days?**	**Mon 7/25/16**	**Fri 3/31/17**	**88%**
30		Kickoff meeting	1 day	Mon 7/25/16	Mon 7/25/16	100%



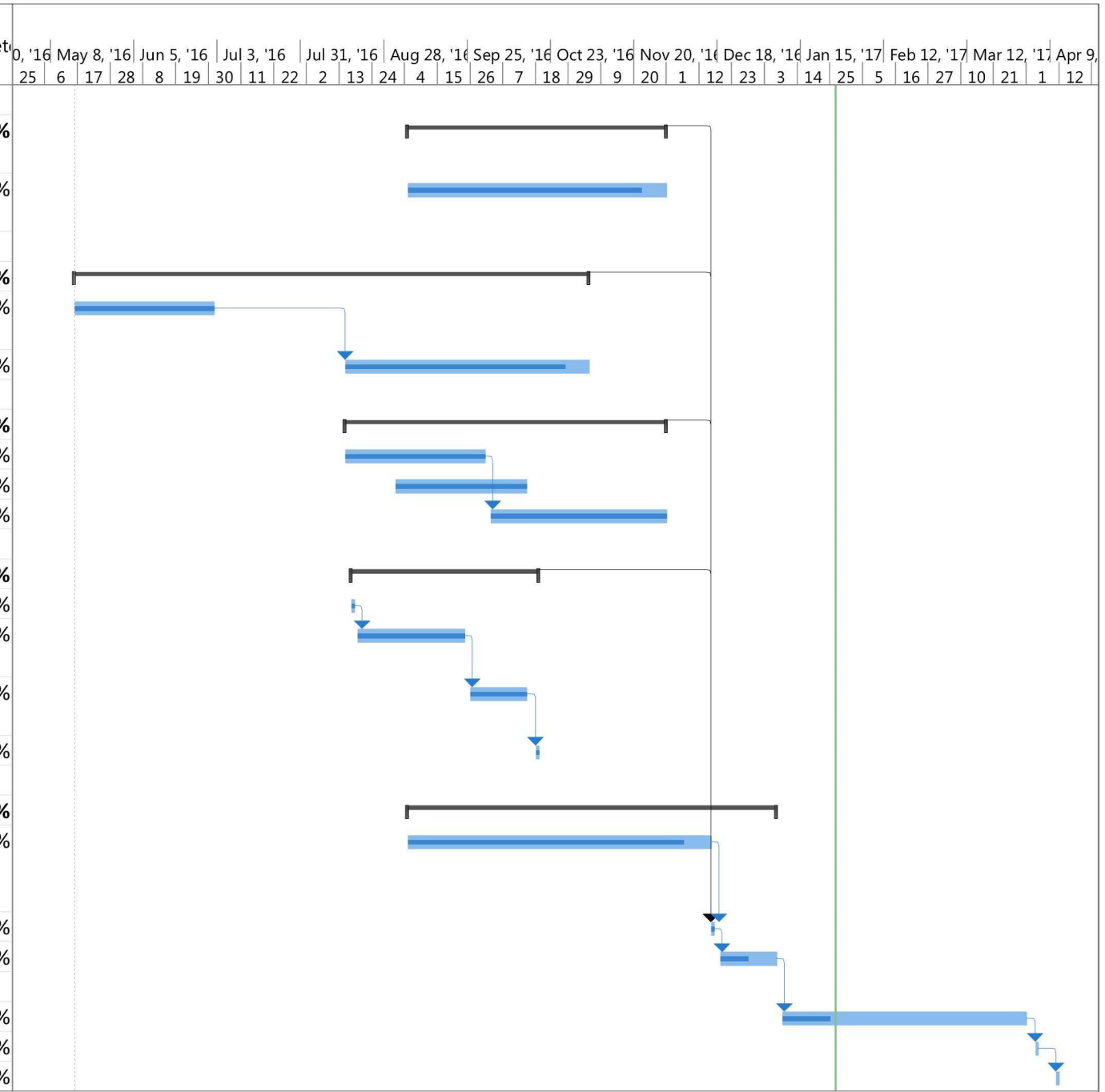
Project: TOPB UG Master Plann
Date: Fri 1/27/17

Task | Summary | Manual Summary | Deadline | Manual Progress
Milestone | Manual Task | Finish-only | Progress

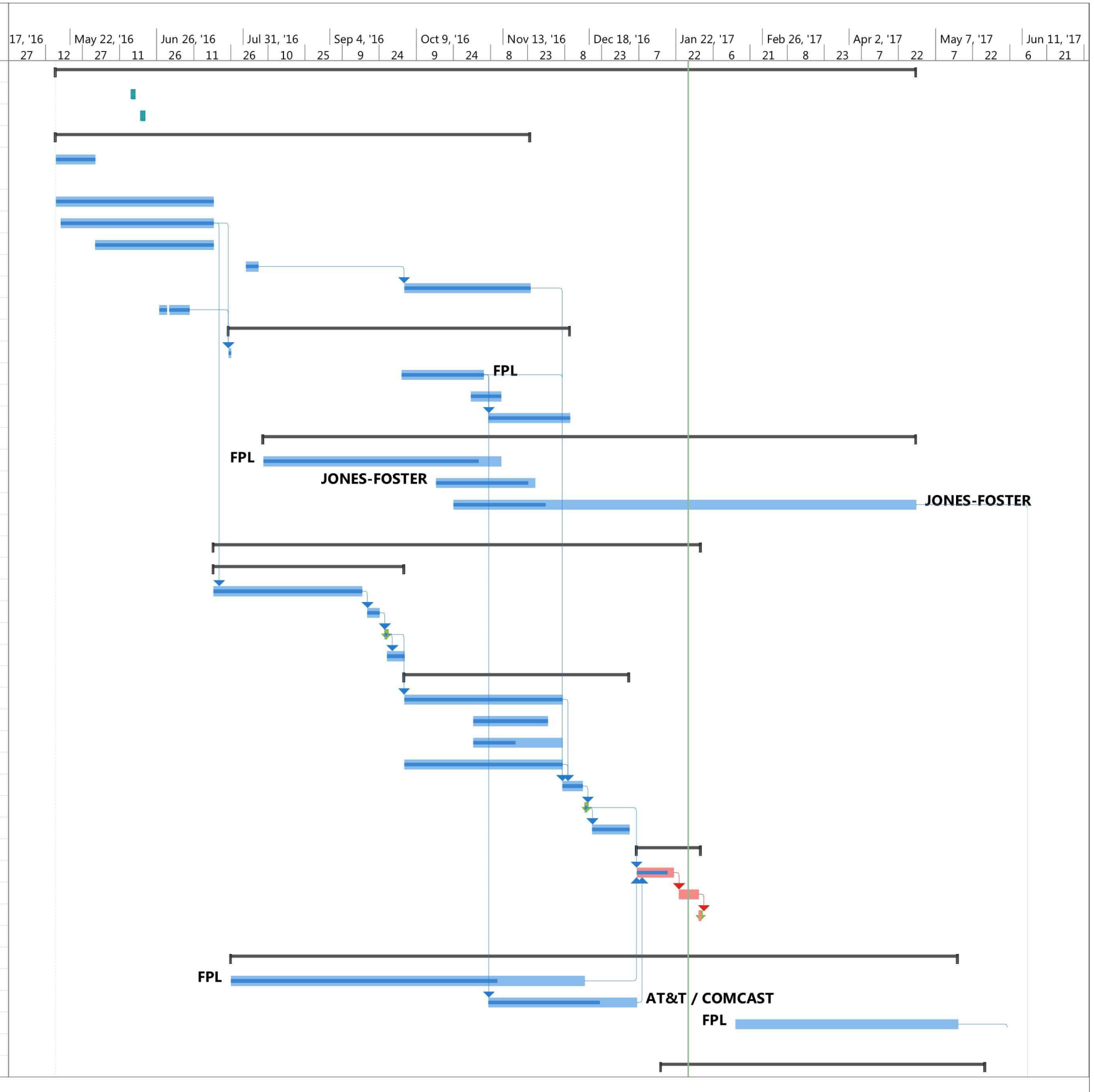
ID	Task Mode	Task Name	Duration	Start	Finish	% Complete
31		Community Needs & Stakeholder Outreach	65 days	Tue 7/26/16	Mon 10/24/16	100%
32		Broadband Market Analysis	44 days	Tue 7/26/16	Fri 9/23/16	100%
33		Broadband Issue Analysis	21 days	Mon 9/26/16	Mon 10/24/16	100%
34		FTTP Data Collection & Benchmarking	46 days	Mon 8/22/16	Mon 10/24/16	100%
35		FTTP Technical Design Options	46 days	Mon 8/22/16	Mon 10/24/16	100%
36		FTTP Business Case Analysis	46 days	Mon 8/22/16	Mon 10/24/16	100%
37		FTTP Financial Evaluation	46 days	Mon 9/26/16	Mon 11/28/16	100%
38		FTTP Roadmap and Business Plan	25 days	Tue 10/25/16	Mon 11/28/16	90%
39		Final Presentation and Deliverables	25 days	Tue 10/25/16	Mon 11/28/16	75%
40		UUTF Presentation	1 day	Tue 12/6/16	Tue 12/6/16	100%
41		RFI Development	21 days	Fri 1/6/17	Fri 2/3/17	90%
42		RFI Distribution and Advertisement	21 days?	Mon 2/6/17	Mon 3/6/17	0%
43		Review RFI Responses and Provide Recommendations	19 days?	Tue 3/7/17	Fri 3/31/17	0%
44						
45		**Task 1.1.3 - GIS Base Map Development - Existing Infrastructure**	**61 days**	**Mon 5/16/16**	**Mon 8/8/16**	**100%**
46		GIS Map Development Town Project Data- ACIP Program Information	45 days	Mon 5/16/16	Fri 7/15/16	100%
47		GIS Map Development - Watermain program information	45 days	Mon 5/16/16	Fri 7/15/16	100%
48		GIS Map Development FPU - gas main replacement program	45 days	Mon 5/16/16	Fri 7/15/16	100%
49		GIS Map Development - TOPB Police and Fire private lines	17 days	Fri 7/15/16	Mon 8/8/16	100%
50		GIS Map Development - FDOT records and proposed projects in Town limits	45 days	Mon 5/16/16	Fri 7/15/16	100%
51						
52		**Task 1.2 - Concept Design/Master Plan**	**99 days**	**Fri 7/15/16**	**Wed 11/30/16**	**99%**
53		Master Plan Design Layout/Workshop - FPL Infrastructure -GIS Maps	78 days	Mon 8/15/16	Wed 11/30/16	100%
54		Master Plan Design Layout/Workshop - ATT Infrastructure - GIS Maps	59 days	Mon 8/15/16	Thu 11/3/16	100%
55		Master Plan Design Layout/Workshop - Comcast Infrastructure - GIS Maps	70 days	Mon 8/15/16	Fri 11/18/16	100%
56		Master Plan Design Layout - Street lights - GIS Area Map	55 days	Mon 7/18/16	Fri 9/30/16	100%
57		Master Plan Design Layout - CC fiber link and Competitor Communications - GIS Map	17 days	Fri 7/15/16	Mon 8/8/16	90%
58		Major easement Identification, field verification	47 days	Thu 9/1/16	Fri 11/4/16	100%
59						0%
60		**Task 1.2.3 - Phase Selection and Development**	**45 days**	**Mon 8/8/16**	**Fri 10/7/16**	**100%**
61		Phase Selection and Development / GIS Map Development of Phasing Limits (first half of project)	45 days	Mon 8/8/16	Fri 10/7/16	100%



ID	Task Mode	Task Name	Duration	Start	Finish	% Complete
62						
63		**Task 1.2.4 - Engineers Opinion of Probable Construction Cost**	**63 days**	**Mon 9/5/16**	**Wed 11/30/16**	**90%**
64		Development of Overall OPC and year-by-year cost projection	63 days	Mon 9/5/16	Wed 11/30/16	90%
65						
66		**Task 1.3 - Project Sequencing and Phasing**	**125 days**	**Mon 5/16/16**	**Fri 11/4/16**	**94%**
67		Task 1.3.1 - Schedule Collection - Outside Projects (ACIP, City, Town, FPU, FDOT, etc.)	35 days	Mon 5/16/16	Fri 7/1/16	100%
68		Task 1.3.2 - Master Schedule Development	60 days	Mon 8/15/16	Fri 11/4/16	90%
69						
70		**Task 1.4 - Assessment of Traffic Impacts**	**78 days**	**Mon 8/15/16**	**Wed 11/30/16**	**100%**
71		Develop Traffic Control Notes/Overall Plan	35 days	Mon 8/15/16	Fri 9/30/16	100%
72		Develop General Project Zones	32 days	Thu 9/1/16	Fri 10/14/16	100%
73		Develop GIS Map for MOT Plan	43 days	Mon 10/3/16	Wed 11/30/16	100%
74						
75		**Task 1.5 - Project Delivery Methods**	**45 days?**	**Wed 8/17/16**	**Tue 10/18/16**	**99%**
76		Meeting with Town to review delivery method criteria	1 day	Wed 8/17/16	Wed 8/17/16	100%
77		Develop general selection criteria based on project phase complexity, phasing, etc.	26 days	Fri 8/19/16	Fri 9/23/16	100%
78		Develop delivery method recommendations for each Phase of Project	15 days?	Mon 9/26/16	Fri 10/14/16	100%
79		Review recommendations with Town	1 day	Tue 10/18/16	Tue 10/18/16	100%
80						
81		**Task 1.6 - Master Plan Document**	**90 days**	**Mon 9/5/16**	**Fri 1/6/17**	**83%**
82		Develop master plan document to describe process undertaken, present design criteria, public vetting process and recommendations	74 days	Mon 9/5/16	Thu 12/15/16	90%
83		Submit to Town Staff	1 day	Fri 12/16/16	Fri 12/16/16	100%
84		Town Staff Review	15 days	Mon 12/19/16	Fri 1/6/17	50%
85						
86		**Refine Master Plan based on Town Comments**	60 days	Mon 1/9/17	Fri 3/31/17	20%
87		**UUTF Meeting to Present MP**	1 day?	Tue 4/4/17	Tue 4/4/17	0%
88		**Town Council Meeting to Present MP**	1 day?	Tue 4/11/17	Tue 4/11/17	0%



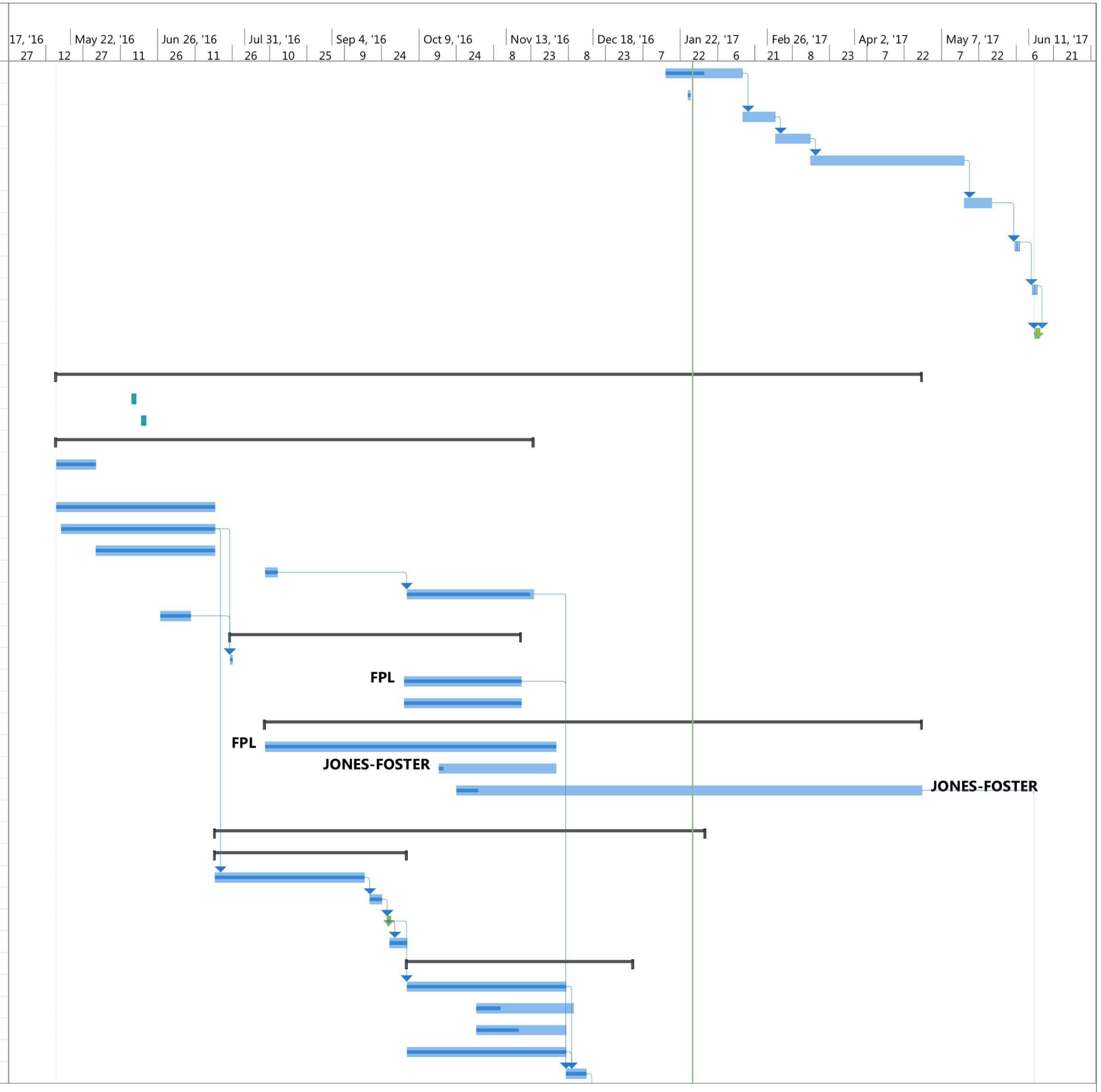
ID	Task Name	Duration	Start	Finish
1	**Task 2.1 - Detailed Design North End (Phase 1)**	**250 days?**	**Mon 5/16/16**	**Fri 4/28/17**
2	**Internal Project Kick off Meeting**	1 day	Thu 6/16/16	Thu 6/16/16
3	**External Project Kick off Meeting**	1 day	Mon 6/20/16	Mon 6/20/16
4	**Data Collection**	**138 days?**	**Mon 5/16/16**	**Wed 11/23/16**
5	Sunshine One-Call Utility coordination and letter request for record data	12 days	Mon 5/16/16	Tue 5/31/16
6	Collect/Analyze record information	46 days	Mon 5/16/16	Mon 7/18/16
7	Site Survey	44 days	Wed 5/18/16	Mon 7/18/16
8	Geotechnical Investigation	34 days	Wed 6/1/16	Mon 7/18/16
9	GPR Utility Corridor Mapping	5 days?	Mon 8/1/16	Fri 8/5/16
10	Soft Dig Utility Locates	37 days?	Tue 10/4/16	Wed 11/23/16
11	Site Visit to Determine meter locations	9 days	Mon 6/27/16	Fri 7/8/16
12	**Utility Coordination**	**100 days?**	**Mon 7/25/16**	**Fri 12/9/16**
13	Provide Survey Files to Utility Owners	1 day?	Mon 7/25/16	Mon 7/25/16
14	FPL Provision of Equipment Locations	25 days?	Mon 10/3/16	Fri 11/4/16
15	Field Reviews with FPL	10 days?	Mon 10/31/16	Fri 11/11/16
16	Field Reviews with ATT / Comcast	25 days?	Mon 11/7/16	Fri 12/9/16
17	**Easement Coordination**	**190 days?**	**Mon 8/8/16**	**Fri 4/28/17**
18	Determine Easement Needs and Locations	70 days?	Mon 8/8/16	Fri 11/11/16
19	Send Letters to Property Owners	30 days?	Mon 10/17/16	Fri 11/25/16
20	Procure Easements and Follow up	135 days?	Mon 10/24/16	Fri 4/28/17
21				
22	**Construction Documents**	**141 days?**	**Tue 7/19/16**	**Tue 1/31/17**
23	**60% Construction Document Development**	**55 days?**	**Tue 7/19/16**	**Mon 10/3/16**
24	60% Construction Document Development	44 days	Tue 7/19/16	Fri 9/16/16
25	60% Construction Document Internal QC	5 days?	Mon 9/19/16	Fri 9/23/16
26	60% Construction Document Town Submittal	1 day?	Mon 9/26/16	Mon 9/26/16
27	60% Town Review and Comment	5 days?	Tue 9/27/16	Mon 10/3/16
28	**90% Construction Document Development**	**65 days?**	**Tue 10/4/16**	**Mon 1/2/17**
29	90% Construction Document Development	46 days	Tue 10/4/16	Tue 12/6/16
30	Conductor Sizing	22 days?	Tue 11/1/16	Wed 11/30/16
31	Landscaping Plans	26 days?	Tue 11/1/16	Tue 12/6/16
32	Technical Specifications	46 days?	Tue 10/4/16	Tue 12/6/16
33	90% Construction Document Internal QC	6 days?	Wed 12/7/16	Wed 12/14/16
34	90% Construction Document Town Submittal	1 day?	Fri 12/16/16	Fri 12/16/16
35	90% Town Review and Comment	11 days?	Mon 12/19/16	Mon 1/2/17
36	**Final Construction Document Development**	**18 days?**	**Fri 1/6/17**	**Tue 1/31/17**
37	Final Construction Document Development	11 days?	Fri 1/6/17	Fri 1/20/17
38	Final Construction Document Internal QC	6 days?	Mon 1/23/17	Mon 1/30/17
39	Final Construction Document Town Submittal	1 day?	Tue 1/31/17	Tue 1/31/17
40				
41	**Utility Design and BCE Development - North End**	**210 days?**	**Tue 7/26/16**	**Mon 5/15/17**
42	FPL Design	103 days	Tue 7/26/16	Thu 12/15/16
43	AT&T and Comcast Design	44 days?	Mon 11/7/16	Thu 1/5/17
44	Utility Agreement and BCE Development	64 days?	Wed 2/15/17	Mon 5/15/17
45				
46	**Task 2.4 - Bid Phase - Phase 1 - North**	**95 days?**	**Mon 1/16/17**	**Fri 5/26/17**



Project: TOPB UG Ph 1 Design_
Date: Fri 1/27/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

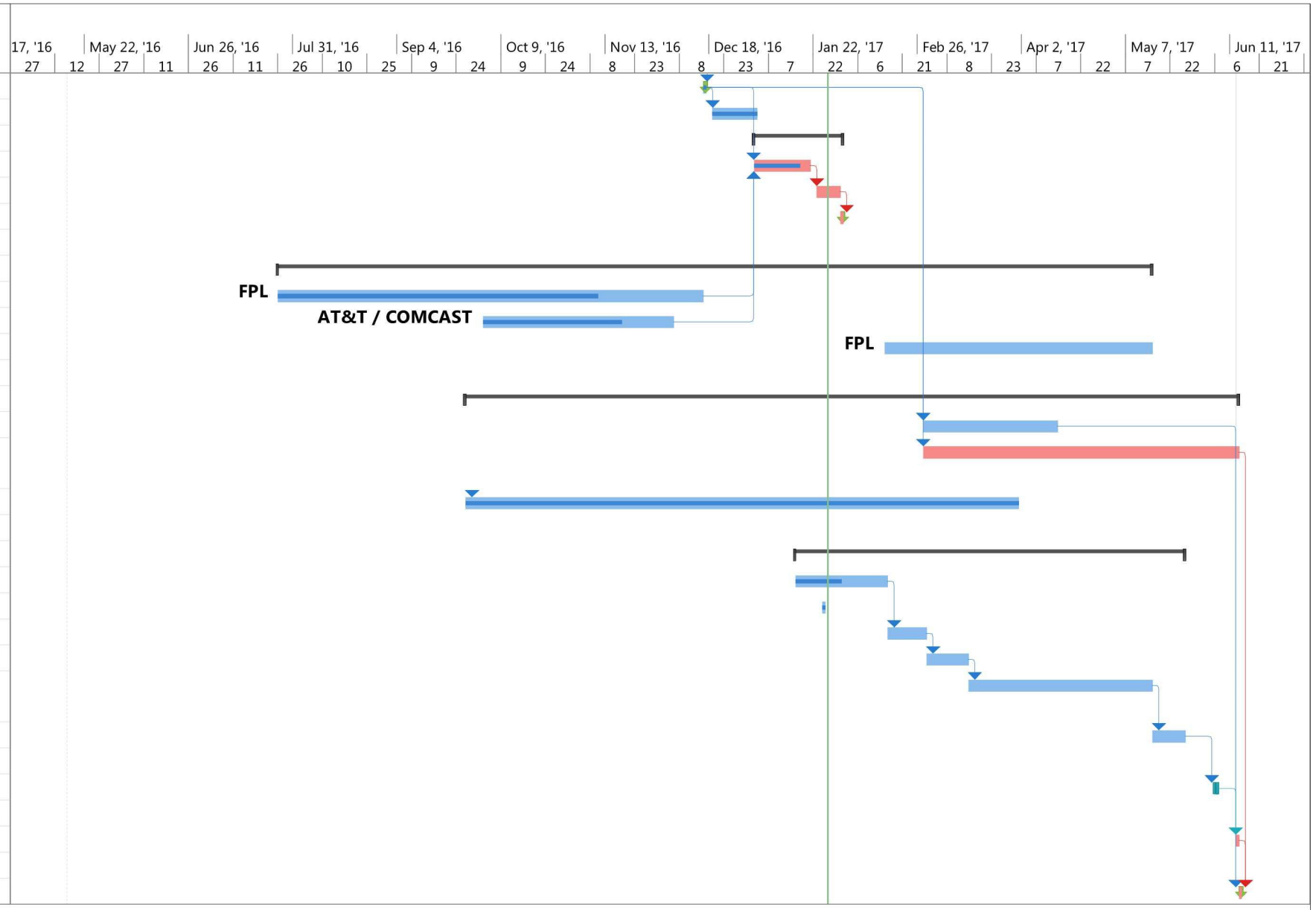
ID	Task Name	Duration	Start	Finish
47	Advertisement for CMAR Procurement	23 days?	Mon 1/16/17	Wed 2/15/17
48	Pre-Proposal meeting	1 day?	Wed 1/25/17	Wed 1/25/17
49	Evaluate Submittals	9 days?	Thu 2/16/17	Tue 2/28/17
50	CMAR Recommendation and Award	10 days?	Wed 3/1/17	Tue 3/14/17
51	Pre-Construction Services/Bidding/GMP Development	44 days?	Wed 3/15/17	Mon 5/15/17
52	GMP review and Negotiation	9 days?	Tue 5/16/17	Fri 5/26/17
53				
54	**UUTF Bid Award Review (North End)**	1 day?	Tue 6/6/17	Tue 6/6/17
55				
56	**Town Council Award (North End)**	1 day?	Tue 6/13/17	Tue 6/13/17
57				
58	**Start Construction (North End)**	1 day	Wed 6/14/17	Wed 6/14/17
59				
60	**Task 2.2 - Detailed Design South End (Phase 1)**	**250 days?**	**Mon 5/16/16**	**Fri 4/28/17**
61	**Internal Project Kick off Meeting**	1 day	Thu 6/16/16	Thu 6/16/16
62	**External Project Kick off Meeting**	1 day	Mon 6/20/16	Mon 6/20/16
63	**Data Collection**	**138 days?**	**Mon 5/16/16**	**Wed 11/23/16**
64	Sunshine One-Call Utility coordination and letter request for record data	12 days?	Mon 5/16/16	Tue 5/31/16
65	Collect/Analyze record information	46 days?	Mon 5/16/16	Mon 7/18/16
66	Site Survey	44 days?	Wed 5/18/16	Mon 7/18/16
67	Geotechnical Investigation	34 days?	Wed 6/1/16	Mon 7/18/16
68	GPR Utility Corridor Mapping	5 days?	Mon 8/8/16	Fri 8/12/16
69	Soft Dig Utility Locates	37 days?	Tue 10/4/16	Wed 11/23/16
70	Site Visit to Determine meter locations	10 days?	Mon 6/27/16	Fri 7/8/16
71	**Utility Coordination**	**85 days?**	**Mon 7/25/16**	**Fri 11/18/16**
72	Provide Survey Files to Utility Owners	1 day?	Mon 7/25/16	Mon 7/25/16
73	Provision of FPL Equipment Locations	35 days?	Mon 10/3/16	Fri 11/18/16
74	Field Reviews with FPL / ATT / Comcast	35 days?	Mon 10/3/16	Fri 11/18/16
75	**Easement Coordination**	**190 days?**	**Mon 8/8/16**	**Fri 4/28/17**
76	Determine Easement Needs and Locations	85 days?	Mon 8/8/16	Fri 12/2/16
77	Send Letters to Property Owners	35 days?	Mon 10/17/16	Fri 12/2/16
78	Procure Easements and Follow up	135 days?	Mon 10/24/16	Fri 4/28/17
79				
80	**Construction Documents**	**141 days?**	**Tue 7/19/16**	**Tue 1/31/17**
81	**60% Construction Document Development**	**55 days?**	**Tue 7/19/16**	**Mon 10/3/16**
82	60% Construction Document Development	44 days?	Tue 7/19/16	Fri 9/16/16
83	60% Construction Document Internal QC	5 days?	Mon 9/19/16	Fri 9/23/16
84	60% Construction Document Town Submittal	1 day?	Mon 9/26/16	Mon 9/26/16
85	60% Town Review and Comment	5 days?	Tue 9/27/16	Mon 10/3/16
86	**90% Construction Document Development**	**65 days?**	**Tue 10/4/16**	**Mon 1/2/17**
87	90% Construction Document Development	46 days?	Tue 10/4/16	Tue 12/6/16
88	Conductor Sizing	29 days?	Tue 11/1/16	Fri 12/9/16
89	Landscaping Plans	26 days?	Tue 11/1/16	Tue 12/6/16
90	Technical Specifications	46 days?	Tue 10/4/16	Tue 12/6/16
91	90% Construction Document Internal QC	6 days?	Wed 12/7/16	Wed 12/14/16



Project: TOPB UG Ph 1 Design_
Date: Fri 1/27/17

Task | Summary | Manual Task | Deadline | Critical Split | Manual Progress
Milestone | Project Summary | Manual Summary | Critical | Progress

ID	Task Name	Duration	Start	Finish
92	90% Construction Document Town Submittal	1 day?	Fri 12/16/16	Fri 12/16/16
93	90% Town Review and Comment	11 days?	Mon 12/19/16	Mon 1/2/17
94	**Final Construction Document Development**	**22 days?**	**Mon 1/2/17**	**Tue 1/31/17**
95	Final Construction Document Development	15 days?	Mon 1/2/17	Fri 1/20/17
96	Final Construction Document Internal QC	6 days?	Mon 1/23/17	Mon 1/30/17
97	Final Construction Document Town Submittal	1 day?	Tue 1/31/17	Tue 1/31/17
98				
99	**Utility Design and BCE Development - South End**	**210 days?**	**Tue 7/26/16**	**Mon 5/15/17**
100	FPL Design	103 days	Tue 7/26/16	Thu 12/15/16
101	AT&T and Comcast Design	46 days?	Mon 10/3/16	Mon 12/5/16
102	Utility Agreement and BCE Development	64 days?	Wed 2/15/17	Mon 5/15/17
103				
104	**Task 2.3 - Permitting Assistance - Phase 1**	**186 days?**	**Tue 9/27/16**	**Tue 6/13/17**
105	FDOT Utility Permit application	33 days?	Tue 2/28/17	Thu 4/13/17
106	FDOT Landscape Permit and Construction Agreement/MMOA	76 days?	Tue 2/28/17	Tue 6/13/17
107	FDEP ERP (Mock Roos)	134 days?	Tue 9/27/16	Fri 3/31/17
108				
109	**Task 2.4 - Bid Phase - Phase 1 - South**	**95 days?**	**Mon 1/16/17**	**Fri 5/26/17**
110	Advertisement for CMAR Procurement	23 days?	Mon 1/16/17	Wed 2/15/17
111	Pre-Proposal meeting	1 day?	Wed 1/25/17	Wed 1/25/17
112	Evaluate Submittals	9 days?	Thu 2/16/17	Tue 2/28/17
113	CMAR Recommendation and Award	10 days?	Wed 3/1/17	Tue 3/14/17
114	Pre-Construction Services/Bidding/GMP Development	44 days?	Wed 3/15/17	Mon 5/15/17
115	GMP review and Negotiation	9 days?	Tue 5/16/17	Fri 5/26/17
116				
117	**UUTF Bid Award Review (South End)**	1 day?	Tue 6/6/17	Tue 6/6/17
118				
119	**Town Council Award (South End)**	1 day?	Tue 6/13/17	Tue 6/13/17
120				
121	**Start Construction (South End)**	1 day?	Wed 6/14/17	Wed 6/14/17



Town of Palm Beach
Underground Utility Project
Budget and Actual Expenditures
As of January 31, 2017

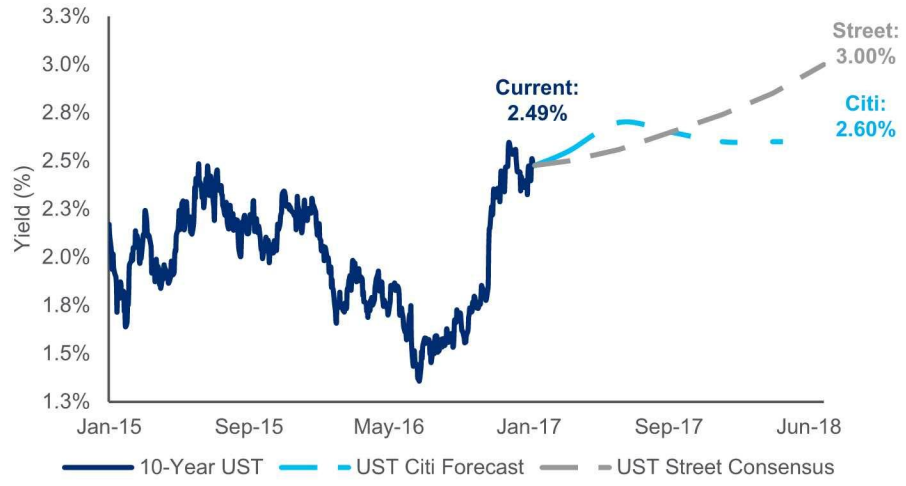
Task	Original Estimated Project Budget	Phase I Engineering Budget	Actual Expended to Date	% Complete of Phase 1 Engineering Budget	% Expended to date of Original Budget	% Encumbered to date of Original Budget
Project Engineering	**$ 5,400,000**					
Survey Costs	**$ 1,232,000**					
Task 1.1 - Data Collection & GIS Base Mapping		$ 88,021	$ 83,620	95.00%		
Tash 1.1a Data Collection for Future Communications		23,511	11,756	50.00%		
Task 1.2 - Conceptual Design and Master Plan		161,756	145,580	90.00%		
Task 1.3 - Project Sequencing and Phasing		31,244	28,120	90.00%		
Task 1.4 - Assessment of Traffic Impacts		77,660	69,894	90.00%		
Task 1.5 - Project Delivery Methods		17,448	16,576	95.00%		
Task 1.6 - Master Plan Document		45,053	38,295	85.00%		
Task 1.7 - Meetings Master Planning Phase		113,135	90,539	80.03%		
Task 1.8 - Master Plan Phase 2		40,067	2,003	5.00%		
Subtotal Master Planning		***$ 597,895***	***$ 486,382***	***81.35%***		
Task 2.1 - Detailed Design North End Project (Onondaga to East Inlet)		472,063	354,047	75.00%		
Task 2.2 - Detailed Design South End (Sloan's Curve to Touthern Boundary)		619,411	402,617	65.00%		
Task 2.2A - Ibis Way PGD Improvements		14,583	10,937	75.00%		
Task 2.3 - Permitting Assistance		17,790	3,558	20.00%		
Task 2.4 - Bid Phase Assistance		42,166	0	0.00%		
Task 2.5 - Meetings - Design Phase		125,399	0	0.00%		
Legal Sketch and Description - Easements		34,000	250	0.74%		
Subtotal Design Phase		***$ 1,325,412***	***$ 771,410***	***58.20%***		
Task 3.1 - Public Outreach		282,519	57,262	20.27%		
Total Engineering and Survey Costs	**$ 6,632,000**	**$ 2,205,826**	**$ 1,315,053**	**59.62%**	**19.83%**	**33.26%**
CM Project Management	**$ 3,415,000**					
Utility Conversion Costs (FPL)	**$ 27,052,831**					
FPL Engineering for Binding Cost Estimate		$ 113,823				
North End Design			$ 10,595			
South End Design			$ 28,013			
Phase 3			$ 11,759			
Phase 4			$ 12,850			
Phase 5			$ 12,757			
Phase 6			$ 13,330			
Phase 7			$ 11,359			
Phase 8			$ 13,160			
Nightingale/LaPuerta Conversion Townwide Portion		$ 74,900	$ 74,900			
Total FPL Engineering Costs for Design		***$ 188,723***	***$ 188,723***	***100.00%***	***0.70%***	***0.70%***
Utility Conversion Costs (AT&T and Comcast)	**$ 8,900,000**					
AT&T North End Design		$ 5,000	$ 5,000			
AT&T South End Design		$ 5,000	$ 5,000			
AT&T Nightingale/LaPuerta - Townwide Portion		$ 30,555	$ 30,555			
Comcast Nightingale/LaPuerta - Townwide Portion		$ 8,885	$ 8,885			
Comcast Preplanning and Design		$ 12,015	$ 12,015			
Total Utility Conversion Costs (AT&T and Comcast)		***$ 61,454***	***$ 61,454***	***100.00%***	***0.69%***	***0.69%***
Conversion of FPL Service Connections	**$ 10,075,000**					
Landscape/Hardscape Restoration Costs	**$ 1,500,000**					
Asphalt Milling and Resurfacing Costs	**$ 12,840,000**					
Legal Costs/Easement Acquisition*	**$ 4,285,000**	**$ -**	***$ 82,440***	***0.00%***	***1.92%***	***1.92%***
Sub-Total Project Budget	***$ 74,699,831***					
Contingency @ 20%	**$ 14,939,966**					
Total Estimated Project Budget	***$ 89,639,797***					
Referendum Authorization	**$ 90,000,000**	**$ 2,456,003**	**$ 1,647,670**	**67.09%**	**1.83%**	**2.73%**
Budget Amendment to Fund the UU Project from Town's Prepaid Contributions		**$ 2,530,250**				
Amount Remaining from Original Budget Amendment		***$ 74,247***				
FY17 Budget for UUTF						
Underground City of Lake Worth Section		**$ 200,000**	**$ 26,827**	**13.41%**		
Project Manager		**$ 130,000**				
UU Funding - GF Allocation to Augment Program		**$ 430,200**				
Total FY17 Budget Allocation		**$ 760,200**	**$ 26,827**	**3.53%**		
Cost Outside of the UU Project Budget						
Telecommunications Consultant	$ 89,000	$ 89,000	65,356	73%		
Peter Brandt (Kimley Horn Contract Negotiations)	$ 35,000	25,000	15,719	63%		
Total Additional Costs	**$ 124,000**	**$ 114,000**	**$ 81,075**	**71.12%**	**65.38%**	**91.94%**

*These costs are currently being paid from the General Fund until they can be reimbursed through the financing.

U.S. Rate Forecasts

10-Year Treasury Yield Forecast

Citi and the Street forecast an elevated interest rate environment as we move into 2017



Rate Forecasts

5-Year Treasury	Current	1Q17	2Q17	3Q17	4Q17	1Q18	2Q18
Citi's Forecast	1.94%	2.00%	2.15%	2.20%	2.20%	2.20%	2.20%

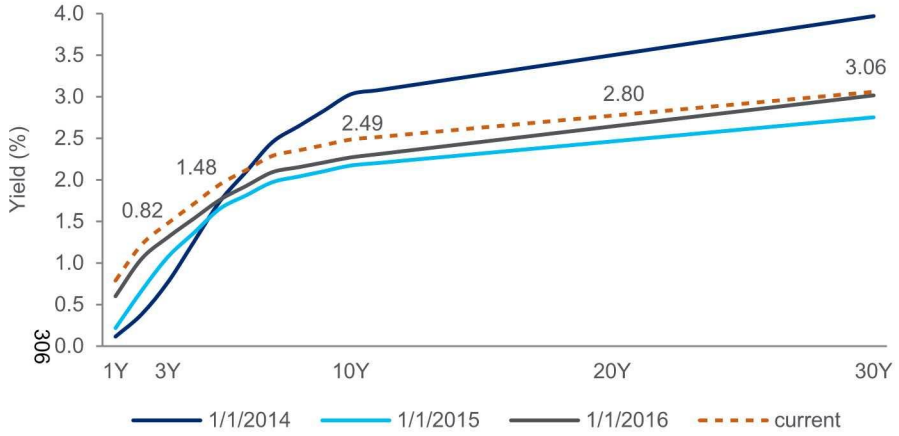
10-Year Treasury	Current	1Q17	2Q17	3Q17	4Q17	1Q18	2Q18
Citi's Forecast	2.49%	2.55%	2.70%	2.65%	2.60%	2.60%	2.60%
Economists' Consensus		2.50%	2.56%	2.65%	2.74%	2.85%	3.00%

30-Year Treasury	Current	1Q17	2Q17	3Q17	4Q17	1Q18	2Q18
Citi's Forecast	3.06%	3.20%	3.35%	3.30%	3.25%	3.25%	3.25%
Economists' Consensus		3.13%	3.20%	3.27%	3.39%	3.50%	3.60%

Fed Funds (upper limit)	Current	1Q17	2Q17	3Q17	4Q17	1Q18	2Q18
Citi's Forecast	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%
Economists' Consensus		0.75%	1.00%	1.00%	1.25%	1.50%	1.50%

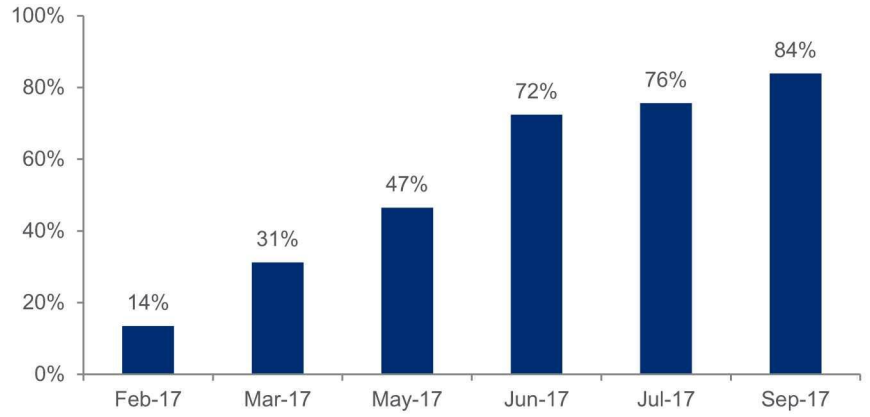
US Treasury Yield Curve

Rates are slightly higher than January 2016 levels on the short end of the curve, with long end rates virtually unchanged - mainly attributed to the post-election uptick



Expectations of Next Fed Increase in Rates

Fed Funds Futures predict a 14% implied probability that another rate increase will occur at the February meeting this week, with the probability of a hike elevated to 84% at the September 2017 meeting



Source: Current rates and expectation of Fed hike as of January 27, 2017; Citi forecasts as of January 20, 2016; Bloomberg forecasts as of January 12, 2016.

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TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Consent - Other

Agenda Title
Ratification of the Selection Committee's Recommendation for RFQ No. 2017-01 Professional Engineering Services for the D-14 Pump Station Improvements.

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

ATTACHMENTS:

- **Memorandum dated January 25, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Final Ranking Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Ratification of the Selection Committee's Recommendation for RFQ No. 2017-01 Professional Engineering Services for the D-14 Pump Station Improvements

DATE: January 25, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council ratify the recommendation of the selection committee and the ranking of the firms that responded to RFQ No. 2017-01, Professional Engineering Services, for the D-14 Pump Station Improvements and authorize contract negotiations with Mock, Roos and Associates, Inc. (MRA).

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program (ACIP) is the design and construction of improvements to the D-14 Pump Station located at the Northwest corner of the Four Arts Society compound. The station is nearing the end of its useful life cycle and will need improvements such as, electrical and mechanical equipment replacement, corrections of any structural deficiencies, and repairs to the wetwell and its components.

The Town issued a Request for Qualifications (RFQ 2017-01) of Professional Engineering Services for the D-14 Pump Station Improvements on October 23, 2016. The Town received six (6) proposals on November 30, 2016, the selection committee met on January 6, 2017. The attached memorandum from the Purchasing Manager indicates that the recommendation of the selection committee is to award the contract to Mock, Roos and Associates, Inc.

If the Town Council approves of this recommendation, staff will request and negotiate a proposal from MRA, and will return to Town Council for authorization during next month's Town Council meeting.

FUNDING/FISCAL IMPACT

Although there is no fiscal impact associated with the approval of this selection committee recommendation, the design and construction of the D-14 pump station improvements are included in the ACIP Phase 2 budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This item has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Selection Committee Members
Douglas Terry, Water Resources Division Manager
Adis Pedraza, Purchasing Manager

TOWN OF PALM BEACH

MEMORANDUM

DATE: January 24, 2017

TO: H. Paul Brazil, Public Works Director

FROM: Adis Pedraza, Purchasing Manager

SUBJECT: Final Ranking - RFQ No. 2017-01 – Professional Engineering Services for D-14 Pump Station Improvements

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The Selection Committee met on January 6, 2017. All members of the committee listed below were present:

Bill Bucklew – Building Official
Jeffrey M. Sanon, P.E. – Project Engineer
Eric Brown, P.E. – Assistant Director of Public Works
Lt. Joseph Guelli – Police Department
Jane Struder – Director of Finance
Patricia Strayer, P.E. – Town Engineer (Non-Voting)
Adis Pedraza – Purchasing Manager (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

The Town received six (6) proposals. After thorough consideration of the proposals submitted, the Selection Committee arrived at the following ranking:

1. Mock, Roos and Associates, Inc.
2. Erdman Anthony of Florida, Inc.
3. A.D.A. Engineering, Inc.
4. Chen Moore and Associates
5. Stanley Consultants, Inc.
6. Calvin, Giordano & Associates, Inc.

It is the recommendation of the Selection Committee to award a contract to Mock, Roos and Associates, Inc. for the Professional Engineering Services for D-14 Pump Station Improvements.

Cc: File: RFQ No. 2017-01
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Consent - Other

Agenda Title
Extension of Waiver to Town Code for Extended Construction Hours and Work During Season for Water Main Relocation by The City of West Palm Beach.

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

ATTACHMENTS:

- **Memorandum dated January 20, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- **Felix Associates of Florida Email**
- **TC Meeting Memorandum July 12, 2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Extension of Waiver to Town Code for Extended Construction Hours and Work During Season for Water Main Relocation by The City of West Palm

DATE: January 20, 2017

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve the extension of the waiver to the Town Code of Ordinances 42-196 through 199 and 42-226 though 229 for the City of West Palm Beach to complete the water main relocation project and use of the Southern Boulevard causeway for staging.

GENERAL INFORMATION

At the July 12, 2016 Town Council meeting, the City of West Palm Beach requested and was granted a waiver to the Town Code of Ordinances 42-196 through 199 and 42-226 through 229 allowing work in season, extended work hours and night time work as necessary for the installation of a new 16-inch water main as part of the Florida Department of Transportation's Southern Boulevard Bridge project.

The City of West Palm Beach had requested the waiver through February 14, 2017, but several unforeseen delays have impacted the schedule. The City's contractor has made every effort to make up those days for the unforeseen delays and anticipates completion by March 31, 2017.

The City's contractor plans to be substantially completed the week of February 13, 2017 and does not expect any traffic impacts the following weeks. The remaining time the contractor will be focused on final punch-out items, cleanup, and breaking down their staging area on the causeway. Any work that does impact the travel lanes will take place at night between the hours of 9:00pm and 6:00am.

Town staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for work past December 1, 2016, extended work hours, and night time work hours, as necessary, and approved by Public Works. The contractor, with the assistance of the City of West Palm Beach and Public Works staff, will notify businesses and residents in the immediate area prior to any night time activities, and issue a press release for the week.

Town staff also recommends a waiver to the Noise Ordinance for those same night time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachment

cc. Kirk Blouin, Director of Public Safety
Patricia Strayer, P.E., Town Engineer
Laura Le, City of West Palm Beach
Ben Miller, Felix Associates of Florida, Inc.

Mike Roach

From: V Hackett <vhackett@felixassociates.net>
Sent: Friday, January 13, 2017 2:04 PM
To: Patricia Strayer; Mike Roach
Cc: Laura Le; Fannie Howard; Ben Miller
Subject: Southern Blvd. WM Relocation - Request for Extension of Variances

Importance: High

Patricia,

Felix Associates of Florida, Inc. (FA) applied for an Excavate in Right-of-Way permit on June 9, 2016, to complete the water main relocation project for the City of West Palm Beach associated with the Southern Boulevard bridge replacement project and received variances to complete the work in June, 2016.

Since the original variances were given, FA has worked through numerous unforeseen delays to keep on schedule regarding final completion. FE has continued to work with the City of West Palm Beach and the Town to catch up with scheduled work and only request this additional adjustment to the previously granted variances for final and cleanup operations. FA is requesting the following variances be extended to complete the project and punch list work:

1. Authorization to work outside of the 8AM to 6PM work hours as necessary for removal of the old water mains. This work will require single lane closures with flagmen on Southern Boulevard and the FDOT permit only allows this work to be performed between 9:00 PM and 6:00 AM.
2. Authorization to work on and utilize the causeway for a construction staging area from July 5, 2016 to March 31, 2017, which is the duration of the project.

3. Authorization to complete all punch list work on the Causeway and Bath & Tennis Club. Punch list work may include final pavement markings, additional valve for sample point, sod adjustments, minor cleanup, final lifts of asphalt. Final Completion contract date is March 31, 2017.

As always, your time and consideration for the extension of variances is greatly appreciated.

Sincerely,

Vernon Hackett, P.E.
Milestone Construction Group, Inc.
772-359-8673
vhackett@felixassociates.net

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 12, 2016

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Waiver to Town Code for Extended Construction Hours and Work During Season for Water Main Relocation by The City of West Palm Beach and Use of the Southern Boulevard Causeway for Staging

DATE: June 29, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 though 229 for the City of West Palm Beach to complete water main relocation outside of the Town Code of Ordinances restrictions for construction hours, work during season, and use of the Southern Boulevard causeway for staging.

GENERAL INFORMATION

Due to the proposed reconstruction of the Southern Boulevard Bridge project by the Florida Department of Transportation (FDOT), the City of West Palm Beach is required to relocate the existing 16-inch water main servicing the south end of the Town of Palm Beach. The process of directional drilling will be used by the prime contractor, Felix Associates of Florida, Inc., from July 5, 2016 to February 14, 2017 in order to have the project complete before the commencement of the bridge project in Spring/Summer 2017. The project will involve two (2) phases of construction, one (1) at the bascule bridge on the west, and one (1) at the tidal bridge to the east.

Due to the length of the project and the need to be completed by Spring/Summer 2017, the contractor will need to work into season and has requested approval of the work and use of the causeway as a staging area. Traffic on the causeway is expected to be maintained in both directions. The estimated completion of the project is currently February 14, 2017. Every effort will be made to expedite the completion.

While the contractor believes that the pull-back of the pipe at the tidal bridge can be completed between the hours of 8:00a.m. and 6:00p.m., they have requested the extended hours in case there are any issues with the pull-back because, once the process of fusing the pipe and pull back begins, it must be continuous until completion. The tentative date for this work is July 22, 2016.

For the reaming, fusing, and pull-back process at the bascule bridge, the location of the west excavation is within the travel lanes of Southern Boulevard and is a significantly longer length of pipe. As such, a 24-hour schedule will be required. Traffic in both directions is expected to be maintained. The tentative dates for this work are August 2, 2016 to August 12, 2016.

In order to make a connection to an existing 12-inch water main, the connection of the 16-inch water main, and removal of the old mains, one (1) lane of traffic will need to be closed and traffic will be directed by flaggers. The FDOT permit also requires the work to be done at night from 10:00p.m. to 4:00a.m. in order reduce the impact to traffic. Traffic in both directions will be restored outside these hours. The tentative dates for this work are September 22, 2016 to October 21, 2016. These closures are west of the bridge in the City of West Palm Beach. No lane closures are planned east of the bridge within the Town of Palm Beach.

In accordance with the above, the impacts to traffic and extended hours will only take place prior to season, however, they are tentative. All residents in the immediate area will be notified door-to-door prior to any activity and phase. The appropriate press releases will be made by the City of West Palm Beach and their contractor.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for work past December 1, 2016, extended work hours and night time work hours as necessary, and approved by Public Works. The contractor, with the assistance of the City of West Palm Beach and Public Works staff, will notify businesses and residents in the immediate area prior to any night time activities, and issue a press release for the week.

Staff also recommends a waiver to the Noise Ordinance for those same night time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachments

cc. Kirk Blouin, Director of Public Safety
William K. Francis, P.E., Town Engineer
Patricia Strayer, P.E., Senior Project Engineer
Laura Le, City of West Palm Beach
Ben Miller, Felix Associates of Florida, Inc.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Consent - Other

Agenda Title
Authorization for the Public Works Committee to Study Support of Beach Clean Up Activities, and Public Beach Access Improvement Agreements.

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

ATTACHMENTS:

- **Memorandum dated February 3, 2017, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Authorization for the Public Works Committee to Study Support of Beach Clean Up Activities, and Public Beach Access Improvement Agreements

DATE: February 3, 2017

STAFF RECOMMENDATION

Town staff is recommending that the Town Council authorize the Public Works Committee to study support of beach clean-up activities, and public beach access improvement agreements.

GENERAL INFORMATION

The Public Works Department will provide backup to the Public Works Committee outlining the recent history and challenges that staff has encountered with supporting various beach cleaning efforts by outside groups. Additionally, staff would like to discuss recent requests for public/private projects to improve public beach access.

Staff will also provide an update on this summer's construction activity.

FUNDING/FISCAL IMPACT

There are no anticipated funding/fiscal impacts.

cc: Eric Brown, Assistant Public Works Director
Patricia Strayer, Town Engineer
Robert Weber, Coastal Program Manager

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Board/Commission Annual Report

Agenda Title
Investment Advisory Committee Annual Presentation

Presenter
Michael F. Andrews, Ph.D., Chair

ATTACHMENTS:

- **Investment Advisory Committee Annual Report**

Town of Palm Beach
Investment Advisory Committee

To: Mayor and Town Council

From: Dr. Michael Andrews, Chairman
Investment Advisory Committee

Date: February 3, 2017

Subject: Annual Report to Mayor and Town Council

On behalf of the Investment Advisory Committee, I am pleased to provide the following report on the current status of the investments and actions taken during the past year by the Investment Advisory Committee.

The Investment Advisory Committee is responsible for overseeing the investment of the Town's surplus funds and the OPEB trust investments.

Surplus Fund Investments
The Town's surplus funds are managed by PFM Asset Management and the Florida League of Cities Investment Trust. The blended return for the surplus investments including certificates of deposit for the year ending December 31, 2016 is 1.32%.

PFM Asset Management
The Town's total investment with PFM represents approximately 23.87% of the total core portfolio. A report is attached showing the details of the PFM portfolio as of December 31, 2016. PFM 1-5 Year Actively Managed Portfolio one year return as of December 31, 2016 is 1.28%.

The Committee allocated the bond proceeds from the 2013 Revenue Bonds to PFM for investment. As of December 31, 2016, approximately $20.8 million is invested with PFM from the proceeds of the 2013 Revenue Bonds. The one year return as of December 31, 2016 is 0.82%.

Florida League of Cities Bond Funds
The Florida League of Cities Investment Trust (FMIvT) has 36.58% of the Town investments; a total of $36.5 million. $25 million is with the Florida League of Cities Investment Trust 1 – 3 year and $11.5 million is in intermediate bond funds.

The FMIvT 1-3 year fund has returned .83% and the Intermediate fund returned 1.35% for the one year period ended December 31, 2016.

Certificate of Deposits
The Town has $15.9 million in Certificate of Deposits representing 15.9% of the portfolio. The CD durations range from 6 months to 5 years, and the interest rates range from .75% to 1.86%.

Bond proceeds from the 2013 Revenue Bonds in the amount of approximately $3 million are in an 18 month CD with an interest rate of 1.05%.

Short Term Investments
The Town has approximately $15.5 million in the Florida Education Investment Trust Fund (FEITF) and $8 million in a Bank United Money Market for a total of 23.7% of the portfolio. The one year return of FEITF as of December 31, 2016 is .63%.

Bond proceeds from the 2013 Revenue Bonds in the amount of approximately $1.6 million have been invested with the FEITF.

Attached is the Monthly Investment report with return information through December 31, 2016.

Health Insurance (OPEB) Trust
The Committee oversees the investment of the assets of the Health Insurance (OPEB) Trust. The asset classes and policy target ranges for the Health Insurance Trust are shown below:

	Asset Class		Target	Range	Benchmark
Return Enhancement	Domestic Equity	*U.S. All Cap*	27.5	22.5-32.5	Russell 3000
	Non U.S. Equity	*International*	17.5	15-20*	MSCI AC World ex. US
	Alternative Strategies	*Directional Hedge*	10.0	7.5-10	HFRI FOF Strategic/
	* FL statues limit investment in foreign securities (equity, fixed include, and other) to 25%. Unconstrained, the target allocation to equities would be 22.5% Domestic and 22.5% International				
	Asset Class		**Target**	**Range**	**Benchmark**
Risk Reduction	Alternative Strategies	*Absolute Return*	10.0	7.5-10	HFRI FOF Conservative
	Fixed Income	*Multi-Strategy*	10.0	7.5-10	Barclays Capital Aggregate
		Convertibles	10.0	7.5-10	BOA Conv. Bond US IG
	Real Assets	*Marketable Real Assets*	15.0	10-20	Custom Index

The market value of the portfolio as of December 31, 2016 was $27,012,614. Prime Buchholz was the investment consultant for the OPEB Trust as of December 31, 2016. The IAC is in the process of hiring a new consultant. The current money managers and investment benchmarks for the trust are as follows:

Manager	**Investment Benchmark**
Fidelity Total Market Index	Wilshire 5000 Index
FMI Common Stock Fund	Russell 2500 Index
FPA Crescent Fund	S&P 500 Index
Artisan International Institutional Fund	MSCI EAFE Net Index
Dodge & Cox International Stock Fund	MSCI AC World ex USA Net Index
Forester Offshore, Ltd.	HFRI Fund-of-Funds Strategic Index
Vanguard Short Term US Treasury Fund	Barclays US Treasury: 1-5 Year
Vanguard Total Bond Market Index Fund	Barclays US Aggregate Float Adjusted
Nuveen Gresham Diversified Comm Fund	Bloomberg Commodity Index
Van Eck Global Hard Assets I Fund	S&P North American Natural Resources
Vanguard Short Term Inflation Protected Securities Fund	Bloomberg Barclays US Treasure 0-5 TIPS
Government STIF 15	Citigroup Treasury Bill 3 Month Index

Attached is a summary of the investments in the Health Insurance (OPEB) Trust and the quarterly returns as of December 31, 2016. For the one-year period ending December 31, 2016 the fund returned 6.9%. The fiscal year ended September 30, 2016 return was 7.2%.

General Information

The current members of the Investment Advisory Committee include:

Name:	**Term Expires**
Dr. Michael Andrews, Chairman	May 2017
Bernard R. Panfel	May 2018
Kevin McClusky	May 2017
Chris Storkerson	May 2017
Andrew Frazier	May 2018

During the past 12 months the committee has held 4 meetings and 2 selection committee meetings to select a new consultant.

The next meeting of the Committee is scheduled for Friday, February 17, 2017 at 2:30pm. The Florida League of Cities, and PFM Asset Management and will be in attendance to discuss the performance through December 31, 2016. The Health Fund Actuary will present the annual update to the OPEB Trust Actuarial Report. A 2017 meeting schedule is attached to this report.

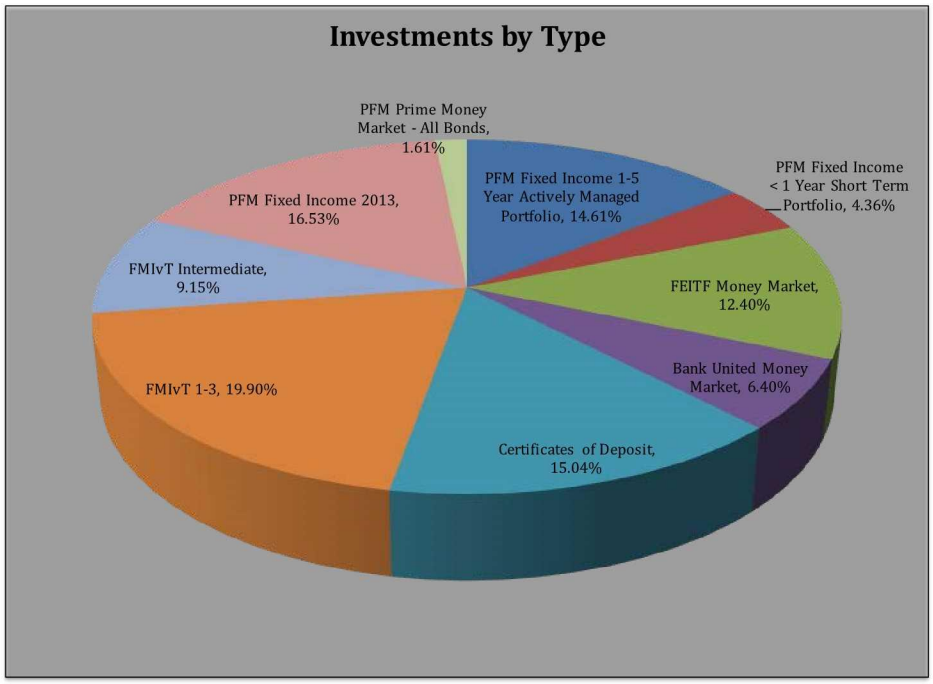
Town of Palm Beach

Investment Portfolio Performance

December 2016

Portfolio Return by Investment

Investment	December Balance	Return December-16	2017 Fiscal YTD (3 mo.)	2016 Fiscal YTD (3 mo.)	2016 Fiscal (12 mos.)
Core Investments					
PFM Fixed Income 1-5 Year Actively Managed Portfolio	$ 18,352,716	$ 12,695	$ (183,918)	$ (68,465)	$ 331,633
PFM Fixed Income < 1 Year Short Term Portfolio	5,476,328	2,603	$ 34,019	0	52,079
FEITF/TD Custody Money Market	15,577,850	3,607	$ 7,832	8	11,842
Bank United Money Market	8,038,999	2,692	$ 3,627	3,647	8,692
Certificates of Deposit	15,869,355	16,407	$ 42,031	66,620	216,269
FMIvT 1-3	25,008,465	12,172	$ (49,013)	(67,693)	192,410
FMIvT Intermediate	11,499,329	(1,179)	$ (186,736)	(59,103)	287,266
Total Core Investments	**$ 99,823,042**	**$ 48,997**	**$ (332,158)**	**$ (124,986)**	**$ 1,100,191**
Bond Funds					
Certificates of Deposit	$ 3,028,459	$ 2,662	$ 7,938	$ -	$ 54,145
PFM Fixed Income 2013	20,773,098	10,922	$ 3,870	(77,526)	133,618
FEITF/TD Custody Money Market	2,020,268	960	$ 2,831	529	8,904
Total Bond Funds	**$ 25,821,825**	**$ 14,544**	**$ 14,639**	**$ (76,997)**	**$ 196,667**
Total	**$ 125,644,867**	**$ 63,541**	**$ (317,519)**	**$ (201,983)**	**$ 1,296,858**



Portfolio Total Return vs. Benchmark

Core Investments	Monthly December-16	2017 Fiscal YTD (3 mo.)	2016 Fiscal YTD (3 mo.)	1 Year	3 Years	5 Years
Long Term Core Investments Total Return Performance (Discretionary)						
PFM Fixed Income 1-5 Year Actively Managed Portfolio	0.07%	-0.97%	-0.46%	1.28%	1.18%	N/A
Merrill Lynch 1-5 Year U.S. Treasury/Agency Index	0.02%	-1.07%	-0.65%	1.09%	1.10%	N/A
Certificates of Deposit (a)	0.11%	0.37%	0.30%	1.25%	N/A	N/A
Merrill Lynch 1 Year Treasury Index	0.05%	0.08%	-0.17%	0.81%	N/A	N/A
FMIvT 1-3	0.06%	-0.18%	-0.24%	1.05%	0.75%	0.76%
BOA Merrill Lynch 1-3 Year Govt Index	0.03%	-0.43%	-0.43%	0.89%	0.69%	0.59%
FMIvT Intermediate	-0.04%	-1.60%	-0.49%	1.57%	2.22%	1.69%
Barclays Int G/C ex BAA+ABS+MBS	0.01%	-2.08%	-0.47%	1.57%	2.32%	1.77%
Town's Long Term Core Investments Total Return Performance	**0.06%**	**-0.47%**	**-0.20%**	**1.32%**	**1.14%**	**0.94%**
Total Return Blended Benchmark Performance (b)	**0.03%**	**-0.69%**	**-0.43%**	**0.71%**	**0.91%**	**0.78%**

(b) The blended benchmark includes the Merrill Lynch 1 Year U.S. Treasury Index, Merrill Lynch 1-5 Year U.S. Treasury/Agency Index, Merrill Lynch 1-3 Year Gov't Index, and the Barclays Capital HQ Intermed Agg.

Short Term Portfolio Yield to Maturity at Cost Performance (Non-Discretionary)	Annualized Yield Dec -2016	Annualized Fiscal YTD (12 mo.)	Prior Fiscal YTD (12 mos.)	1 Year	3 Years	5 Years
PFM Fixed Income < 1 Year Short Term Portfolio Yield to Maturity at Cost	1.25%	1.25%	N/A	N/A	N/A	N/A
S&P GIP Government 30 Day Index (c)	0.72%	0.68%	N/A	N/A	N/A	N/A

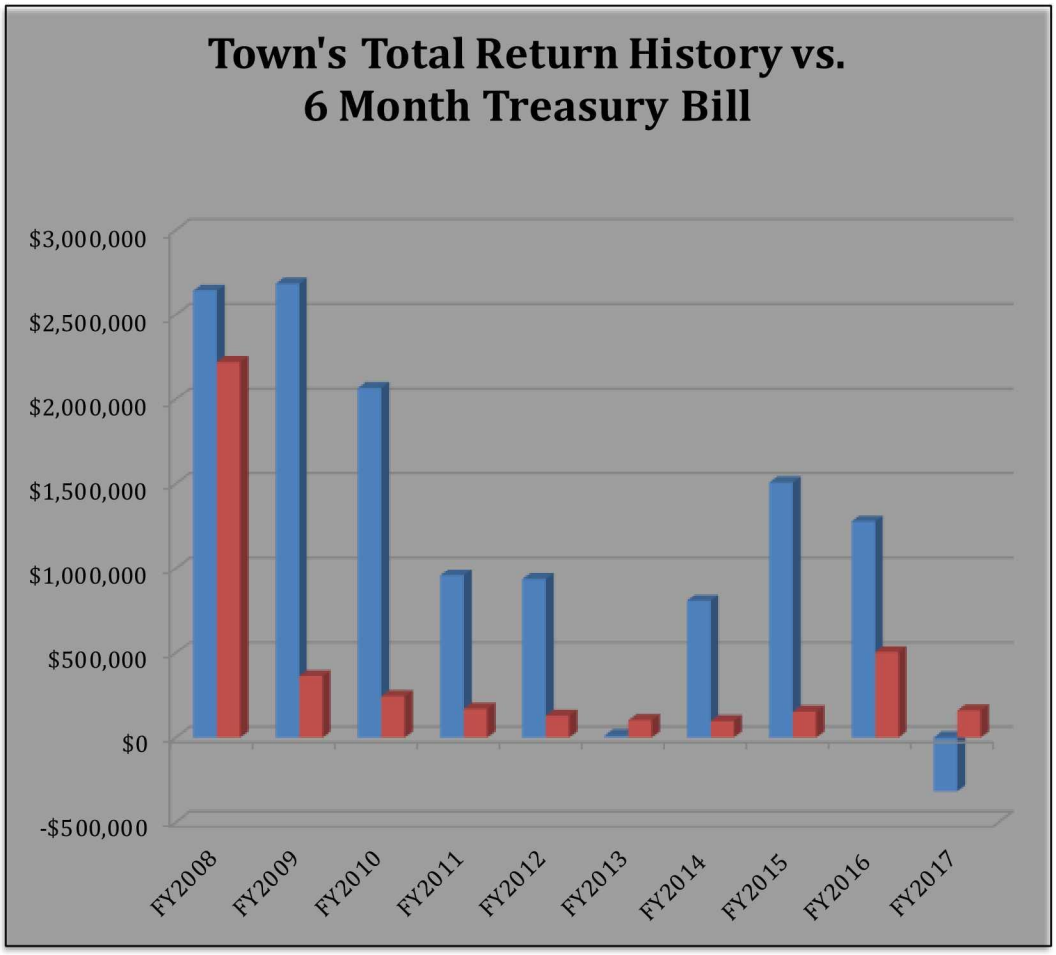
(c) Short Term Benchmark changed to the Standard & Poor's LGIP30D represents Government Investment Pools Index.

Bond Funds	Monthly December-16	2017 Fiscal YTD (3 mo.)	2016 Fiscal YTD (3 mo.)	1 Year	3 Years	5 Years
Bond Proceed Portfolios' Yield to Maturity at Cost Performance						
PFM Fixed Income 2013 - Yield to Maturity at Cost	1.03%	1.03%	0.63%	0.82%	N/A	N/A
Merrill Lynch 3 Month U.S. Treasury Bill Index - Yield to Maturity	0.43%	0.35%	0.06%	0.25%	N/A	N/A
Town's Bond Investments Yield to Maturity at Cost Performance	**1.03%**	**1.03%**	**0.63%**	**0.82%**	**0.55%**	
Blended Yield - ML 1 Year U.S. Treasury Index Benchmark	**0.43%**	**0.16%**	**0.06%**	**0.25%**	**0.05%**	

Money Market Fund Total Return Performance - As of 12/31/16						
Florida Education Investment Trust	0.73%	N/A	0.16%	0.63%	N/A	N/A
iMoneyNet Money Market Fund Index	0.46%	N/A	0.08%	0.27%	N/A	N/A

Total Investment Return History

Fiscal Year	Town's Total Return	Estimated Return - 6 Month TBill	Difference
FY2008	$ 2,642,478	$ 2,219,743	$ 422,735
FY2009	2,683,901	363,524	2,320,377
FY2010	2,067,072	244,917	1,822,155
FY2011	957,872	169,447	788,425
FY2012	935,823	129,485	806,338
FY2013	11,870	103,463	(91,593)
FY2014	807,906	98,048	709,858
FY2015	1,506,923	153,068	1,353,855
FY2016	1,276,858	504,712	772,146
FY2017	(317,519)	159,801	(477,320)
Total	**$ 12,573,184**	**$ 4,146,208**	**$ 8,426,976**

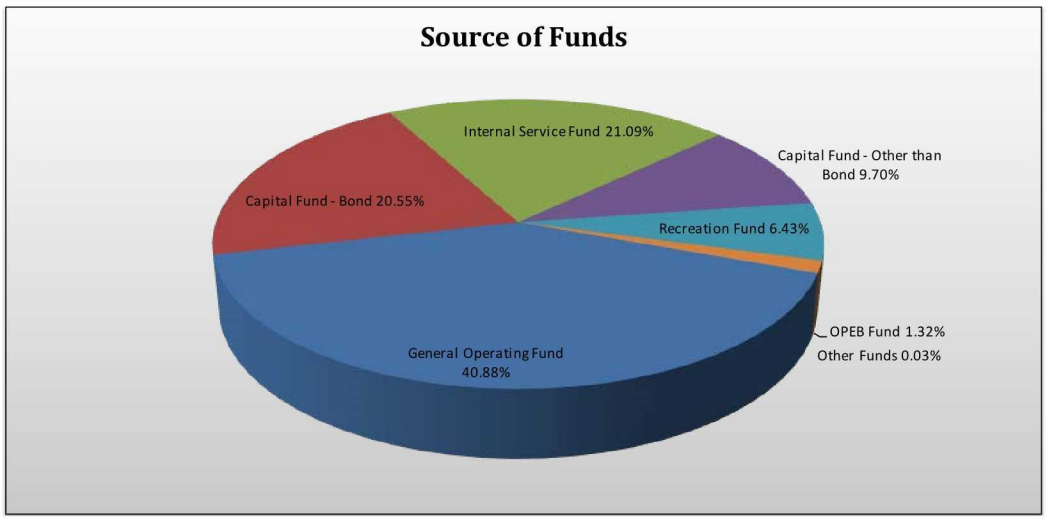


Town's FY2017 Monthly Investment Return vs. 6 Month Treasury Bill

Period	Investment Balance	Town's Monthly Total Return	6 Month T-Bill Rate	Estimated Return - 6 Month T-Bill	Difference
Oct-16	$ 102,154,231	$ (48,313)	0.51%	43,416	$ (91,729)
Nov-16	99,618,063	(332,747)	0.62%	51,469	(384,216)
Dec-16	125,644,867	63,541	0.62%	64,917	(1,376)
Jan-17				-	-
Feb-17				-	-
Mar-17				-	-
Apr-17				-	-
May-17				-	-
Jun-17				-	-
Jul-17				-	-
Aug-17				-	-
Sep-17				-	-
Total		**$ (317,519)**		**$ 159,801**	**$ (477,320)**

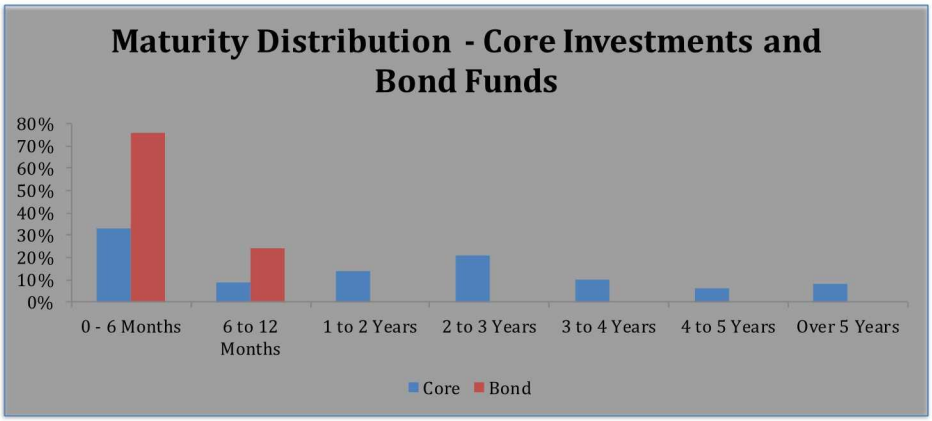
Portfolio Composition by Source of Funds

Investment	General Operating	Capital	Internal Service	Recreation	OPEB	Other Funds	Total
Non-Bond Funds							
PFM Fixed Income: 1-5 Year	6,307,434	6,367,651	4,637,730	79,707	960,194	-	18,352,716
PFM Fixed Income: < One Year	5,476,328	-	-	-	-	-	5,476,328
Money Market	18,011,296	2,926,997	1,881,205	63,575	696,244	37,532	23,616,849
Certificates of Deposit	15,869,355	-	-	-	-	-	15,869,355
FMIvT Fixed Income: 1-3 Year	3,907,491	1,983,871	13,683,572	5,433,531	-	-	25,008,465
FMIvT Fixed Income: Intermediate	1,796,733	912,218	6,291,945	2,498,433	-	-	11,499,329
Sub Total Non Bond Funds	51,368,637	12,190,737	26,494,452	8,075,246	1,656,438	37,532	99,823,042
Bond Funds							
PFM Fixed Income	-	20,773,098	-	-	-	-	20,773,098
Certificates of Deposit	-	3,028,459	-	-	-	-	3,028,459
Money Market	-	2,020,268	-	-	-	-	2,020,268
Sub Total Bond Funds	-	25,821,825	-	-	-	-	25,821,825
Total	**51,368,637**	**38,012,562**	**26,494,452**	**8,075,246**	**1,656,438**	**37,532**	**125,644,867**



Portfolio Distribution by Maturity

	PFM Investments	Money Market Accts.	FMIvT 1-3 Year	FMIvT Intermediate	Certificates of Deposit	Total
Core Investments						
0 - 6 Months	$5,476,328	$23,616,849	$0	$0	$4,001,562	$33,094,739
6 to 12 Months	2,651,966	-	373,823	388,797	4,001,828	8,671,884
1 to 2 Years	2,945,611	-	9,992,049	1,236,293	-	14,173,953
2 to 3 Years	4,650,578	-	7,023,885	1,514,663	7,865,965	21,055,091
3 to 4 Years	4,962,574	-	3,548,530	1,522,527	-	10,033,632
4 to 5 Years	3,141,985	-	1,570,242	1,310,266	-	6,022,493
Over 5 Years	-	-	2,499,935	5,526,783	-	8,026,719
Total Core Investments	**$23,829,044**	**$23,616,849**	**$25,008,465**	**$11,499,329**	**$15,869,355**	**$99,823,042**
Bond Funds						
0 - 6 Months	$14,526,627	$2,020,268	$0	$0	$3,028,459	$19,575,354
6 to 12 Months	6,246,471	-	-	-	-	6,246,471
1 to 2 Years	-	-	-	-	-	-
2 to 3 Years	-	-	-	-	-	-
3 to 4 Years	-	-	-	-	-	-
4 to 5 Years	-	-	-	-	-	-
Over 5 Years	-	-	-	-	-	-
Total Bond Funds	**$20,773,098**	**$2,020,268**	**$0**	**$0**	**$3,028,459**	**$25,821,825**

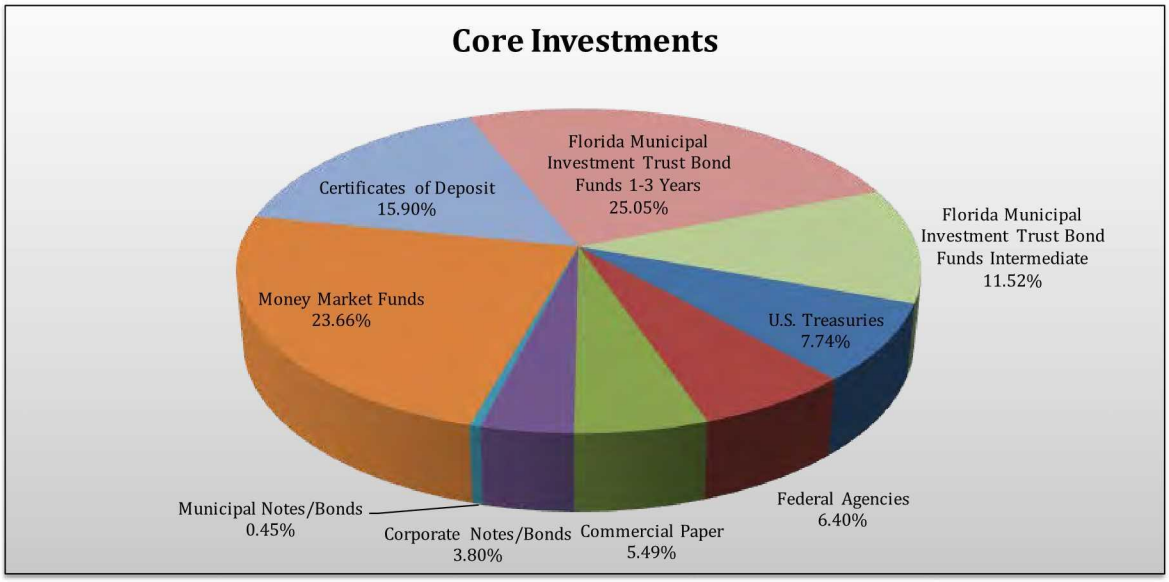


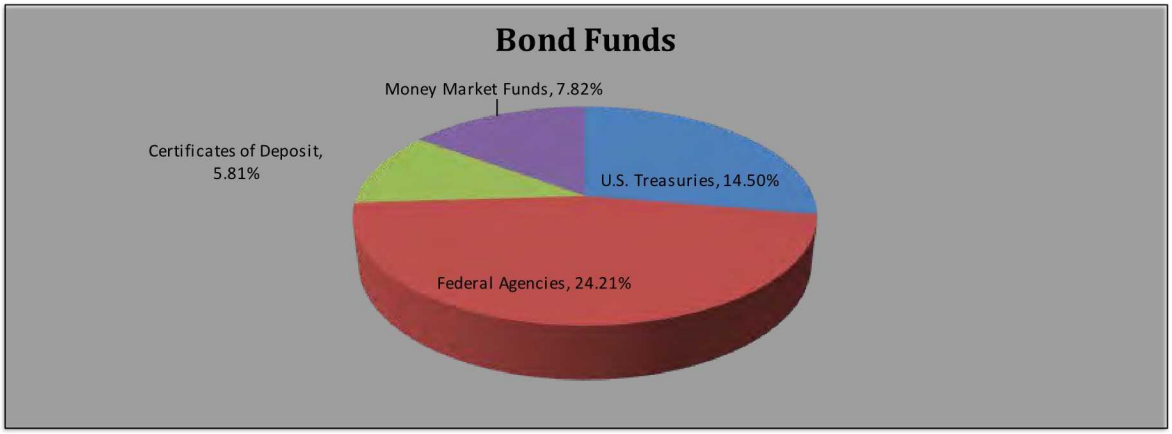
Core Investments - Weighted Average Duration Calculation				
Investment	Market Value	% of Portfolio	Duration (Yrs)	Weighted Avg. Duration (Yrs)
PFM Fixed Income 1-5 Year	$ 18,352,716	18.39%	2.59	0.48
PFM Fixed Income < 1 Year	$ 5,476,328	5.49%	0.36	0.02
FEITF/TD Money Market	$ 23,616,849	23.66%	0.13	0.03
Bank United Certificate of Deposit	$ 4,001,828	4.01%	1.00	0.04
TD Bank Certificates of Deposit	$ 11,867,527	11.89%	2.50	0.30
FMIvT 1-3	$ 25,008,465	25.05%	1.42	0.36
FMIvT Intermediate	$ 11,499,329	11.52%	3.73	0.43
Total	$ 99,823,042	100.00%		1.65

Portfolio Composition by Security Type

Security Type	Value	Distribution
Core Investments		
U.S. Treasuries	$ 7,727,417	7.74%
Federal Agencies	6,389,430	6.40%
Commercial Paper	5,476,328	5.49%
Corporate Notes/Bonds	3,789,574	3.80%
Municipal Notes/Bonds	446,295	0.45%
Money Market Funds	23,616,849	23.66%
Certificates of Deposit	15,869,355	15.90%
Florida Municipal Investment Trust Bond Funds 1-3 Years	25,008,465	25.05%
Florida Municipal Investment Trust Bond Funds Intermediate	11,499,329	11.52%
Total Core Investments	**$ 99,823,042**	**100.00%**

Security Type	Value	Distribution
Bond Funds		
U.S. Treasuries	$ 3,746,190	14.50%
Federal Agencies	6,251,809	24.21%
Commercial Paper	10,775,099	41.73%
Certificates of Deposit	3,028,459	11.73%
Money Market Funds	2,020,268	7.82%
Total Bond Funds	**$ 25,821,825**	**100.00%**

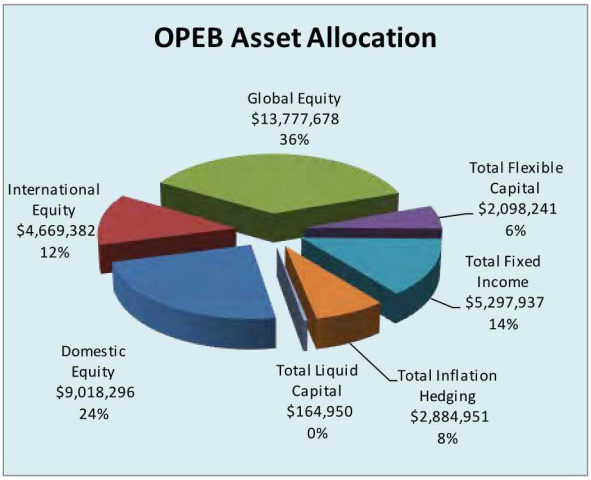




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# Health Insurance Trust (OPEB) Performance
# as of December 31, 2016
# Market Value - $24,223,757

| | 1 mo | 3 mo | Fiscal YTD | Calendar YTD | 1 Yr | 2 Yrs | 3 Yrs | 5 Yrs | Return Since July 2007 |
|---|---|---|---|---|---|---|---|---|---|
| Total Fund | 0.8 | 1.3 | 1.3 | 6.9 | 6.9 | 1.1 | 1.5 | 6.4 | 2.7 |
| *Target Index* | *1.3* | *1.2* | *1.2* | *7.6* | *7.6* | *2.0* | *2.1* | *5.9* | *3* |


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Town of Palm Beach
Certficate of Deposit Schedule
as of 12/31/16

	Amount	Date Purchased	Maturity Date	Term	Yield
Bank United					
$	3,000,000	2/4/2016	8/4/2017	18 mo.	1.05%
	4,000,000	12/15/2016	12/15/2017	1 yr.	1.05%
	7,000,000	Sub Total Bank United			
TD Bank					
$	5,000,000	6/1/2014	6/1/2019	5 yr.	1.86%
	2,500,000	6/1/2014	6/1/2019	5 yr.	1.84%
	4,000,000	12/13/2016	6/13/2017	6 mo.	0.75%
	11,500,000	Sub Total TD Bank			
$	18,500,000	Total Certificates of Deposit			

FMIvT 1-3 Year High Quality Bond Fund
Holdings as of 12/31/16

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain/Loss	% of Total Market	from Investment Manager YTM	DUR	WAL	Moody's RATING	S&P RATING
02007CAD4	11,670,000.00	ALLYA 2016-1 A3 1.	1.470	04/15/2020	11,668,668.45	100.05	11,675,687.96	7,019.51	3.46%	1.47	1.17	1.19	Aaa	N.R.
05581RAB2	635,797.51	BMWLT 2016-1 A2A 1	1.170	01/22/2018	635,735.27	100.02	635,912.91	177.64	0.19%	1.13	0.31	0.31	Aaa	N.R.
05581RAD8	12,000,000.00	BMWLT 2016-1 A3 1.	1.340	01/22/2019	11,998,590.00	99.91	11,989,664.40	(8,925.60)	3.56%	1.32	1.03	1.05	Aaa	N.R.
12594BAB8	2,749,948.09	CNH 16-A A2A 1.22	1.220	07/15/2019	2,749,758.89	100.00	2,749,968.16	209.27	0.82%	1.25	0.51	0.52	Aaa	N.R.
12625HAD4	8,000,000.00	CNH 13-B-A4 0.99 1	0.990	11/15/2018	7,997,588.80	99.97	7,997,372.00	(216.80)	2.37%	1.22	0.30	0.31	Aaa	N.R.
14312QAC0	4,880,000.00	CARMX 16-4 A3 1.40	1.400	08/15/2021	4,878,800.01	98.93	4,827,710.31	(51,089.70)	1.43%	1.94	2.32	2.38	Aaa	N.R.
14313LAD8	1,828,733.70	CARMX 13-1 A4 0.89	0.890	08/17/2018	1,823,947.56	99.93	1,827,505.89	3,558.33	0.54%	1.24	0.21	0.21	Aaa	AAA
14313VAB0	1,670,754.48	CARMX 15-3 A2A 1.1	1.100	11/15/2018	1,670,586.57	99.98	1,670,386.91	(199.66)	0.50%	1.21	0.25	0.25	Aaa	N.R.
14313XAB6	1,059,443.54	CARMX 15-4 A2A 1.0	1.090	04/15/2019	1,059,354.97	99.99	1,059,323.08	(31.89)	0.31%	1.15	0.32	0.33	Aaa	AAA
14313XAC4	795,000.00	CARMX 15-4 A3 1.56	1.560	11/16/2020	798,912.89	100.04	795,302.42	(3,610.47)	0.24%	1.57	1.41	1.44	Aaa	AAA
14313YAB4	7,174,881.41	CARMX 16-1 A2A 1.3	1.300	04/15/2019	7,174,516.21	100.03	7,176,865.98	2,349.77	2.13%	1.26	0.44	0.45	Aaa	AAA
14314EAC5	7,385,000.00	CARMX 16-3 A3 1.39	1.390	05/17/2021	7,383,896.68	99.34	7,336,108.35	(47,788.33)	2.18%	1.81	2.08	2.13	NR	AAA
161571HG2	6,345,000.00	CHAIT 2016-A6 A6 1	1.100	01/15/2020	6,344,342.02	99.76	6,329,904.61	(14,437.41)	1.88%	1.38	1.01	1.03	NR	AAA
17305EDY8	9,620,000.00	CITIBANK CR CD 07-	5.650	09/20/2019	10,231,794.53	103.10	9,918,477.82	(313,316.71)	2.94%	1.21	0.69	0.71	Aaa	AAA
31283KU89	383,807.00	FHLMC GOLD #G11507	4.500	01/01/2019	411,033.31	102.77	394,449.97	(16,583.34)	0.12%	1.87	0.76	0.78	Aaa	AA+
3128MBU21	586,581.38	FHLMC GOLD #G13101	4.500	11/01/2019	629,108.53	102.65	602,114.05	(26,994.48)	0.18%	1.87	0.92	0.95	Aaa	AA+
3128MEW98	1,773,411.49	FHLMC G(G1-5872	5.000	06/01/2026	1,890,900.00	105.81	1,876,411.23	(14,488.77)	0.56%	1.76	1.72	1.79	Aaa	AA+
3130A8DB6	10,400,000.00	FHLB 1.125 6/21/19	1.125	06/21/2019	10,498,191.75	99.43	10,340,824.00	(157,367.75)	3.07%	1.36	2.43	2.48	Aaa	AA+
3135G0J53	9,250,000.00	FNMA 1.0 2/26/19	1.000	02/26/2019	9,309,440.50	99.38	9,192,465.00	(116,975.50)	2.73%	1.29	2.11	2.16	Aaa	AA+
3136A2ZT3	1,633,973.49	FNMA 2011-122 EC 1	1.500	01/25/2020	1,656,365.85	100.05	1,634,840.31	(21,525.54)	0.49%	1.31	0.90	0.91	Aaa	AA+
3136A3UG4	2,453,024.74	FNMA REMIC TRUST 2	1.750	12/25/2021	2,496,850.12	100.41	2,463,031.12	(33,819.00)	0.73%	1.63	1.44	1.47	Aaa	AA+
3136A9YB8	3,487,347.24	FNMA 2012-123 WM 2	2.500	02/25/2022	3,592,240.12	101.19	3,528,700.55	(63,539.57)	1.05%	1.44	1.12	1.14	Aaa	AA+
3136ACQT1	2,693,103.83	FNMA 2013-21 BA 1.	1.000	03/25/2023	2,680,059.11	98.57	2,654,604.83	(25,454.28)	0.79%	1.93	2.07	2.14	Aaa	AA+
3136APD58	1,314,594.54	FNMA 2015-55 JA 2.	2.000	07/25/2025	1,331,232.38	100.60	1,322,498.01	(8,734.37)	0.39%	1.86	1.87	1.93	Aaa	AA+
3137A1W74	208,196.03	FHLMC 3728 CA 1.5	1.500	10/15/2018	210,619.56	100.10	208,414.14	(2,205.42)	0.06%	1.32	0.75	0.76	Aaa	AA+
3137A2MV0	360,999.10	FHLMC 3756 DA 1.2	1.200	11/15/2018	363,678.39	99.86	360,481.72	(3,196.67)	0.11%	1.37	0.77	0.78	Aaa	AA+
3137A4Y68	498,068.39	FHLMC 3799 GK 2.75	2.750	01/15/2021	516,668.13	101.89	507,498.52	(9,169.61)	0.15%	1.64	1.58	1.62	Aaa	AA+
3137A6AZ5	3,014,037.88	FHMS K010 A1 3.32	3.320	07/25/2020	3,105,518.63	101.36	3,055,179.20	(50,339.43)	0.91%	1.33	0.79	0.80	Aaa	AA+
3137A6SW3	60,165.44	FHLMC 3812 BA 2.0	2.000	09/15/2018	61,396.95	100.38	60,395.59	(1,001.36)	0.02%	1.34	0.70	0.71	Aaa	AA+
3137A7LJ7	106,956.34	FHR 3826 ME MTGE	2.250	07/15/2018	109,429.71	100.50	107,490.78	(1,938.93)	0.03%	1.44	0.69	0.70	Aaa	AA+
3137A8NB0	289,940.94	FHLMC 3830 DA 2.5	2.500	12/15/2018	299,817.05	100.70	291,966.55	(7,850.50)	0.09%	1.43	0.73	0.74	Aaa	AA+
3137A9PK6	237,686.65	FHLMC 3842 CJ 2.0	2.000	09/15/2018	240,583.45	100.40	238,644.03	(1,939.42)	0.07%	1.40	0.75	0.76	Aaa	AA+
3137A9YB6	405,889.08	FHLMC 3838 AE 2.5	2.500	11/15/2018	417,051.03	100.72	408,798.17	(8,252.86)	0.12%	1.44	0.75	0.76	Aaa	AA+
3137AAR54	540,000.10	FED HOME LN MTG CO	2.500	10/15/2018	552,065.73	100.70	543,772.22	(8,293.51)	0.16%	1.42	0.71	0.72	Aaa	AA+

FMIvT 1-3 Year High Quality Bond Fund
Holdings as of 12/31/16

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain/Loss	% of Total Market	from Investment Manager YTM	DUR	WAL	Moody's RATING	S&P RATING
02007CAD4	11,670,000.00	ALLYA 2016-1 A3 1.	1.470	04/15/2020	11,668,668.45	100.05	11,675,687.96	7,019.51	3.46%	1.47	1.17	1.19	Aaa	N.R.
3137AAYD9	93,993.19	FED HOME LN MTG CO	2.000	08/15/2018	94,903.75	100.53	94,486.76	(416.99)	0.03%	1.24	0.72	0.73	Aaa	AA+
3137ACJU4	261,451.44	FHLMC 3872 ND 2.0	2.000	12/15/2021	266,762.17	100.68	263,233.41	(3,528.76)	0.08%	1.55	1.51	1.55	Aaa	AA+
3137ACK99	2,594,877.96	FHLMC 3876 CA 2.75	2.750	06/15/2026	2,679,414.23	100.94	2,619,383.73	(60,030.50)	0.78%	1.43	0.78	0.79	Aaa	AA+
3137ACKA6	1,242,960.29	FHLMC 3876 CB 2.75	2.750	06/15/2026	1,264,517.88	100.98	1,255,170.26	(9,347.62)	0.37%	1.37	0.78	0.79	Aaa	AA+
3137ACUK3	121,517.94	FHLMC 3895 CD 2.0	2.000	10/15/2018	123,644.51	100.51	122,133.60	(1,510.91)	0.04%	1.23	0.73	0.74	Aaa	AA+
3137AJAV6	324,110.76	FHLMC 3955 YA 1.75	1.750	03/15/2021	328,807.83	100.33	325,170.80	(3,637.03)	0.10%	1.41	1.00	1.02	Aaa	AA+
3137AL6V6	1,417,171.56	FHMS K706 A2 2.323	2.323	10/25/2018	1,434,387.98	101.27	1,435,166.10	778.12	0.43%	1.55	1.70	1.74	Aaa	AA+
3137ANMN2	1,689,000.00	FHMS K707 A2 2.22	2.220	12/25/2018	1,711,959.84	101.10	1,707,597.92	(4,361.92)	0.51%	1.64	1.86	1.89	Aaa	AA+
3137AQVV7	739,187.68	FHMS K709 A1 1.56	1.560	10/25/2018	742,306.13	100.08	739,802.31	(2,503.82)	0.22%	1.39	0.93	0.94	Aaa	AA+
3137B03W2	4,997,021.85	FHMS K502 A2 1.426	1.426	08/25/2017	5,096,867.34	100.07	5,000,434.32	(96,433.02)	1.48%	1.10	0.48	0.48	Aaa	AAA
3137B9BG9	2,633,528.04	Freddie Mac 3/15/2	1.750	03/15/2022	2,677,454.47	100.39	2,643,782.21	(33,672.26)	0.78%	1.58	1.45	1.49	Aaa	AA+
3137BERG1	1,556,034.40	FHLMC 4399 CB 2.5	2.500	09/15/2024	1,582,049.35	100.65	1,566,072.53	(15,976.82)	0.46%	1.26	0.59	0.60	Aaa	AA+
3137GA2H9	319,311.39	FHLMC 3730 GE 2.5	2.500	08/15/2020	329,589.23	101.20	323,134.54	(6,454.69)	0.10%	1.65	1.43	1.47	Aaa	AA+
3138ELAW3	4,821,688.13	FNMA #A(AL3620	2.500	05/01/2023	4,914,166.62	102.10	4,923,184.67	9,018.05	1.46%	1.77	2.14	2.23	Aaa	AA+
3138EMBX8	156,840.44	FED NATL MTG ASSN	6.000	01/01/2019	167,427.17	101.85	159,738.85	(7,688.32)	0.05%	1.15	0.50	0.51	Aaa	AA+
31392UMQ4	31,547.72	FHLMC 2503 BH 5.5	5.500	09/15/2017	33,952.00	101.05	31,879.89	(2,072.11)	0.01%	1.68	0.34	0.34	Aaa	AA+
31393AC88	123,433.55	FNMA 2003-24 BC 5.	5.000	04/25/2018	132,768.21	101.66	125,476.72	(7,291.49)	0.04%	1.58	0.58	0.59	Aaa	AA+
31393NK24	66,526.61	FHLMC REMIC SERIES	5.000	03/15/2018	71,516.11	101.69	67,648.93	(3,867.18)	0.02%	1.59	0.55	0.56	Aaa	AA+
31393RLW8	124,442.70	FHLMC 2633 PE 4.5	4.500	06/15/2018	132,531.48	101.85	126,746.32	(5,785.16)	0.04%	1.43	0.65	0.67	Aaa	AA+
31393RVZ0	85,688.53	FHLMC 2631 LC 4.5	4.500	06/15/2018	91,151.17	101.83	87,257.90	(3,893.27)	0.03%	1.42	0.65	0.66	Aaa	AA+
31393UGR8	32,916.66	FNMA 2003-120	4.000	12/25/2018	34,816.76	101.65	33,458.14	(1,358.62)	0.01%	1.51	0.76	0.77	Aaa	AA+
31394WAF5	181,260.19	FHLMC 2786 BC 4.0	4.000	04/15/2019	194,118.34	102.18	185,210.96	(8,907.38)	0.05%	1.67	0.98	1.00	Aaa	AA+
31396QKJ7	226,485.90	FNMA 2009-52 AJ 4.	4.000	07/25/2024	240,888.99	102.51	232,176.24	(8,712.75)	0.07%	1.74	1.19	1.23	Aaa	AA+
31396QZS1	344,603.51	FNMA 2009-70 CL 3.	3.000	08/25/2019	355,560.83	101.04	348,187.04	(7,373.79)	0.10%	1.31	0.72	0.73	Aaa	AA+
31397A5S8	423,685.62	FHLMC 3209 EG 4.5	4.500	08/15/2020	453,409.81	102.93	436,095.33	(17,314.48)	0.13%	2.01	1.25	1.30	Aaa	AA+
31397FV90	20,218.55	FHLMC REMIC SERIES	4.500	03/15/2022	21,987.67	102.61	20,746.04	(1,241.63)	0.01%	1.61	0.97	1.00	Aaa	AA+
31397NFA8	608,023.93	FNMA 2009-17 AN 4.	4.500	03/25/2024	645,360.40	102.45	622,891.82	(22,468.58)	0.18%	1.65	0.94	0.97	Aaa	AA+
31397SAY0	740,688.27	FNMA 2011-16 GE 2.	2.750	06/25/2020	757,915.52	100.85	747,013.08	(10,902.44)	0.22%	1.60	0.86	0.88	Aaa	AA+
31397UDX4	622,315.93	FNMA 2011-47 MA 2.	2.500	01/25/2022	639,552.44	101.28	630,311.76	(9,240.68)	0.19%	1.55	1.31	1.34	Aaa	AA+
31398F3U3	2,836,242.59	FNMA 2009-88 DC 3.	3.250	10/25/2020	2,931,522.61	101.77	2,886,336.59	(45,186.02)	0.86%	1.36	1.02	1.04	Aaa	AA+
31398JVV2	613,345.89	FHLMC 3578 B 4.5 9	4.500	09/15/2024	642,288.15	101.79	624,310.18	(17,977.97)	0.19%	1.34	0.62	0.63	Aaa	AA+
31398M5L6	309,457.78	FNMA 2010-32 CL 3.	3.750	08/25/2018	324,954.85	101.60	314,410.99	(10,543.86)	0.09%	1.33	0.75	0.77	Aaa	AA+
31398RXB6	3,193,308.49	FNMA 2010-58 PT 2.	2.250	06/25/2025	3,272,143.29	101.25	3,233,120.42	(39,022.87)	0.96%	1.68	1.53	1.57	Aaa	AA+
31398S3S0	413,017.84	FNMA 2010-153 AC 2	2.000	11/25/2018	418,051.49	100.47	414,951.34	(3,100.15)	0.12%	1.27	0.79	0.80	Aaa	AA+
31403DSV2	181,493.25	FNMA #745832 6.0 4	6.000	04/01/2021	198,281.38	104.64	189,910.91	(8,370.47)	0.06%	1.76	1.21	1.26	Aaa	AA+
31418AFV5	3,956,600.38	FNMA #M(MA1079	2.500	06/01/2022	4,029,859.29	101.86	4,029,995.32	136.03	1.20%	1.72	2.02	2.10	Aaa	AA+
36159JBZ3	6,195,000.00	GEMNT 10-2 A 4.47	4.470	03/15/2020	7,024,549.22	100.67	6,236,199.23	(788,349.99)	1.85%	1.15	0.19	0.19	Aaa	AAA
38374F6W9	86,779.48	GNMA 2004-30 UC 5.	5.500	02/20/2034	95,972.68	104.11	90,348.53	(5,624.15)	0.03%	1.02	0.97	0.99	Aaa	AA+

FMIvT 1-3 Year High Quality Bond Fund
Holdings as of 12/31/16

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain/Loss	% of Total Market	from Investment Manager YTM	DUR	WAL	Moody's RATING	S&P RATING
02007CAD4	11,670,000.00	ALLYA 2016-1 A3 1.	1.470	04/15/2020	11,668,668.45	100.05	11,675,687.96	7,019.51	3.46%	1.47	1.17	1.19	Aaa	N.R.
38374MY86	209,341.70	GNMA 2006-17 KY 5.	5.000	04/20/2036	217,977.04	102.60	214,776.40	(3,200.64)	0.06%	1.39	0.78	0.80	Aaa	AA+
38377JT29	1,547,755.91	GNMA 2010-117 JA 2	2.500	03/20/2040	1,598,876.50	101.11	1,564,996.83	(33,879.67)	0.46%	1.69	1.52	1.56	Aaa	AA+
43814QAC2	5,250,000.00	HAROT 2016-2 A3 1.	1.390	04/15/2020	5,249,898.15	99.84	5,241,861.45	(8,036.70)	1.56%	1.54	1.57	1.61	Aaa	N.R.
43814RAC0	5,845,000.00	HAROT 2016-4 A3 1.	1.210	12/18/2020	5,844,620.66	99.20	5,798,366.25	(46,254.41)	1.72%	1.66	2.06	2.11	NR	AAA
44890RAC5	641,687.64	HART 2014-A A3 0.7	0.790	07/16/2018	641,572.91	99.96	641,452.01	(120.90)	0.19%	1.09	0.14	0.14	Aaa	AAA
44890UAD6	1,200,000.00	HART 2014-B A4 1.4	1.460	11/15/2019	1,205,109.37	100.13	1,201,514.52	(3,594.85)	0.36%	1.37	0.97	0.98	NR	AAA
587729AD6	750,000.00	MBART 2014-1 A4 1.	1.310	11/16/2020	751,611.33	100.01	750,073.28	(1,538.05)	0.22%	1.34	0.91	0.93	Aaa	N.R.
58772PAD0	10,750,000.00	MBART 2015-1 A3 1.	1.340	12/16/2019	10,748,691.73	99.97	10,746,553.55	(2,138.18)	3.19%	1.41	1.01	1.02	NR	AAA
65477UAC4	3,322,986.73	NAROT 15-A A3 1.06	1.050	10/15/2019	3,322,288.24	99.84	3,317,730.76	(4,557.48)	0.98%	1.31	0.69	0.70	Aaa	N.R.
65478AAB9	3,533,950.43	NAROT 15-C A2A 0.8	0.870	11/15/2018	3,533,680.79	99.94	3,531,956.22	(1,724.57)	1.05%	1.05	0.35	0.35	Aaa	N.R.
65478UAD1	1,865,000.00	NAROT 16-A A3 1.34	1.340	10/15/2020	1,864,576.27	99.70	1,859,398.66	(5,177.61)	0.55%	1.58	1.65	1.68	Aaa	N.R.
65478WAD7	5,275,000.00	NAROT 16-C A3 1.18	1.180	01/15/2021	5,274,495.71	99.06	5,225,528.41	(48,967.30)	1.55%	1.72	1.99	2.04	Aaa	N.R.
912828J68	14,000,000.00	US TREASURY 1.0 3/	1.000	03/15/2018	14,074,421.90	100.05	14,006,580.00	(67,841.90)	4.16%	0.96	1.19	1.20	Aaa	AA+
912828L40	24,000,000.00	US TREASURY 1.0 9/	1.000	09/15/2018	24,123,830.40	99.79	23,949,360.00	(174,470.40)	7.11%	1.13	1.68	1.71	Aaa	AA+
912828R44	16,000,000.00	US TREASURY 0.875	0.875	05/15/2019	16,013,178.60	99.04	15,846,880.00	(166,298.60)	4.70%	1.29	2.34	2.37	Aaa	AA+
912828RH5	7,500,000.00	US TREASURY 1.375	1.375	09/30/2018	7,587,622.78	100.38	7,528,125.00	(59,497.78)	2.23%	1.16	1.72	1.75	Aaa	AA+
912828RY8	23,000,000.00	US TREASURY 1.375	1.375	12/31/2018	23,048,592.56	100.32	23,074,520.00	25,927.44	6.85%	1.21	1.97	2.00	Aaa	AA+
912828S68	4,000,000.00	US TREASURY WTI 7/	0.750	07/31/2018	3,999,461.52	99.46	3,978,600.00	(20,861.52)	1.18%	1.09	1.56	1.58	Aaa	AA+
912828U40	7,000,000.00	US TREASURY 1.0 11	1.000	11/30/2018	6,971,039.08	99.68	6,977,600.00	6,560.92	2.07%	1.17	1.89	1.92	Aaa	AA+
912828UZ1	8,000,000.00	US TREASURY 0.625	0.625	04/30/2018	7,960,964.32	99.51	7,960,960.00	(4.32)	2.36%	0.99	1.32	1.33	Aaa	AA+
912828VE7	23,250,000.00	US TREASURY 1.0 5/	1.000	05/31/2018	23,158,075.98	99.96	23,240,932.50	82,856.52	6.90%	1.03	1.40	1.41	Aaa	AA+
98161FAD7	9,350,000.00	WOLS 2016-A A3 1.4	1.450	08/15/2019	9,348,827.51	99.72	9,323,745.20	(25,082.31)	2.77%	1.67	1.79	1.83	Aaa	N.R.
	336,188,843.24				339,485,567.69		336,657,457.52	(2,828,110.17)	99.88%	1.32	1.43	1.45		
VP4560000	410,143.70	WF ADV GOVT MM FD-INSTL #1751			410,143.70	1.00	410,143.70	0.00	0.12%	0.01	-	-	Aaa-mf	AAAm
	336,598,986.94				**339,895,711.39**		**337,067,601.22**	**(2,828,110.17)**	**100.00%**	**1.32**	**1.42**	**1.45**		

Portfolio NAV	337,632,349.37
# Shares	18,479,459.7000
NAV per Shares	18.270683

FMIvT Intermediate High Quality Bond Fund
Holdings as of 12/31/16

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain/Loss	% of Total Market	from Investment Manager YTM	DUR	WAL	Moody's RATING	S&P RATING
02005ACS5	1,100,000.00	AMOT 2012-4 A 1.72	1.720	07/15/2019	1,112,632.82	100.25	1,102,695.22	(9,937.60)	0.34%	1.30	0.52	0.57	NR	AAA
02005ACW6	2,640,000.00	AMOT 2012-5 A 1.54	1.540	09/15/2019	2,665,368.77	100.14	2,643,755.14	(21,613.63)	0.83%	1.38	0.69	0.69	NR	AAA
02006TAB2	565,150.52	ALLYA 2014-1 A3 0.	0.970	10/15/2018	564,885.61	99.97	564,962.83	77.22	0.18%	1.11	0.29	0.29	Aaa	AAA
02006UAE3	2,868,526.85	ALLYL 2014-SN2 A4	1.210	02/20/2019	2,868,904.73	100.00	2,868,585.37	(319.36)	0.90%	1.21	0.10	0.10	NR	AAA
02006XAE7	860,000.00	ALLYL 2015-SN1 A4	1.380	02/20/2019	861,343.75	100.07	860,576.37	(767.38)	0.27%	1.14	0.21	0.22	Aaa	N.R.
02006YAB1	392,167.00	ALLYA 2015-1 A2 0.	0.920	02/15/2018	392,162.06	99.98	392,101.55	(60.51)	0.12%	1.31	0.05	0.05	Aaa	AAA
03062AAD8	1,185,714.24	AMER CRD 14-3 A3 1	1.150	06/10/2019	1,185,714.24	99.96	1,185,202.37	(511.87)	0.37%	1.36	0.23	0.23	Aaa	AAA
03064VAC2	735,839.05	AMER CRD 14-2 A3 0	0.940	02/08/2019	734,430.61	99.92	735,222.86	792.25	0.23%	1.59	0.14	0.14	Aaa	N.R.
03064XAE4	367,420.98	AMER CRD 2012-5 C	1.690	11/08/2018	368,683.99	100.01	367,458.31	(1,225.68)	0.11%	1.21	0.01	0.01	NR	AAA
03065DAB3	3,650,000.00	AMER CRD 16-3 A2A	1.370	11/08/2019	3,649,770.05	100.05	3,651,969.90	2,199.85	1.14%	1.31	0.59	0.59	NR	AAA
03065JAD6	1,547,152.67	AMER CRD 14-4 A3 1	1.270	07/08/2019	1,547,636.16	99.99	1,546,993.78	(642.38)	0.48%	1.33	0.30	0.31	NR	AAA
03065NAD7	1,840,000.00	AMER CRD 15-3 A3 1	1.540	03/09/2020	1,844,600.00	100.09	1,841,708.07	(2,891.93)	0.58%	1.44	0.70	0.71	NR	AAA
03065TAB8	3,655,000.00	AMERICREDIT AUTO R	1.340	04/08/2020	3,654,785.82	99.95	3,653,262.41	(1,523.41)	1.14%	1.43	0.80	0.81	NR	AAA
084670BR8	3,875,000.00	BERKSHIRE 2.75 3/1	2.750	03/15/2023	3,967,961.25	99.62	3,860,468.75	(107,492.50)	1.21%	2.82	5.62	6.21	Aa2	AA
12594DAB4	1,500,000.00	CNH 16-B A2A 1.31	1.310	10/15/2019	1,499,992.80	100.01	1,500,126.60	133.80	0.47%	1.33	0.68	0.68	Aaa	N.R.
12625HAC6	55,306.63	CNH 13-B-A3 0.69 8	0.690	08/15/2018	55,285.03	99.98	55,293.88	8.85	0.02%	1.23	0.10	0.10	Aaa	N.R.
13056MAC1	1,707,358.05	CRART 2015-2 A3 1.	1.310	08/15/2019	1,709,425.56	100.00	1,707,283.10	(2,142.46)	0.53%	1.42	0.48	0.48	NR	AAA
13056TAB8	1,056,750.24	CRART 2013-2 A2 1.	1.230	03/15/2019	1,057,575.83	100.02	1,056,952.71	(623.12)	0.33%	1.20	0.37	0.37	Aaa	N.R.
13974MAB2	1,650,000.00	AFIN 2016-2 A2A 1.	1.320	01/22/2019	1,649,951.66	100.04	1,650,613.30	661.64	0.52%	1.26	0.46	0.47	Aaa	AAA
13975JAC6	737,903.79	AFIN 2014-3 A3 1.4	1.480	11/20/2018	738,797.34	100.07	738,388.00	(409.34)	0.23%	1.24	0.26	0.26	Aaa	N.R.
14041NFE6	3,500,000.00	COMET 2016-A3 A3 1	1.340	04/15/2022	3,499,975.50	98.89	3,461,265.50	(38,710.00)	1.08%	1.88	2.38	2.44	NR	AAA
143127AH1	298,687.55	CARMX 15-2 A2A 0.8	0.820	06/15/2018	298,655.89	99.98	298,626.38	(29.51)	0.09%	1.28	0.05	0.05	Aaa	N.R.
14312QAB2	3,935,000.00	CARMX 16-4 A2 1.21	1.210	11/15/2019	3,934,786.72	99.80	3,927,189.81	(7,596.91)	1.23%	1.44	0.98	0.99	Aaa	N.R.
14313MAD6	512,228.03	CARMX 13-2 A4 0.84	0.840	11/15/2018	511,567.74	99.87	511,580.98	13.24	0.16%	1.24	0.34	0.34	NR	AAA
14313RAC7	621,426.48	CARMX 14-2 A3 0.98	0.980	01/15/2019	621,256.56	99.93	621,006.27	(250.29)	0.19%	1.19	0.35	0.36	Aaa	AAA
14313VAB0	1,030,891.06	CARMX 15-3 A2A 1.1	1.100	11/15/2018	1,030,787.46	99.98	1,030,664.26	(123.20)	0.32%	1.21	0.25	0.25	Aaa	N.R.
14313VAH7	2,044,008.13	CARMX 15-3 A2B FLT	1.154	11/15/2018	2,044,008.13	100.05	2,044,933.04	924.91	0.64%	0.98	0.10	0.25	Aaa	N.R.
14314EAC5	3,225,000.00	CARMX 16-3 A3 1.39	1.390	05/17/2021	3,224,518.19	99.34	3,203,649.21	(20,868.98)	1.00%	1.81	2.08	2.13	NR	AAA
31283GFD4	43.07	FHLMC P(G0-0164	10.000	06/01/2021	46.94	101.24	43.60	(3.34)	0.00%	2.77	1.02	1.15	Aaa	AA+
3128LXB25	252,582.12	FHLMC P(G0-1857	5.000	10/01/2033	249,937.90	110.16	278,234.36	28,296.46	0.09%	2.97	4.09	4.64	Aaa	AA+
3128M9Z21	6,845,387.44	FHLMC G(G0-7661	3.000	08/01/2043	6,643,789.93	99.84	6,834,092.55	190,302.62	2.13%	3.04	6.92	8.54	Aaa	AA+
3128MCNF8	566,026.45	FHLMC GOLD #G13790	4.500	04/01/2025	591,437.17	105.56	597,486.20	6,049.03	0.19%	1.87	2.64	2.82	Aaa	AA+
3128MCXY6	130,326.68	FHLMC GOLD #G14095	4.500	08/01/2025	136,843.01	105.72	137,776.15	933.14	0.04%	1.87	2.52	2.69	Aaa	AA+
3128MJT67	1,927,485.99	FHLMC G(G0-8572	3.500	02/01/2044	1,963,927.52	102.93	1,983,980.60	20,053.08	0.62%	3.08	5.69	6.87	Aaa	AA+

FMIvT Intermediate High Quality Bond Fund
Holdings as of 12/31/16

			Interest	Maturity			Market	Unrealized	% of Total	from Investment Manager				
Asset ID	Units	Asset Description	Rate	Date	Cost	Price	Value	Gain/Loss	Market	YTM	DUR	WAL	Moody's RATING	S&P RATING
3128MJUF5	1,354,980.57	FHLMC G(G0-8581	3.500	04/01/2044	1,390,760.53	102.46	1,388,367.29	(2,393.24)	0.43%	3.08	5.55	6.68	Aaa	AA+
3128MJVH0	5,745,262.23	FHLMC G(G0-8615	3.500	11/01/2044	5,954,425.68	102.46	5,886,825.49	(67,600.19)	1.84%	3.08	5.69	6.87	Aaa	AA+
31292GBB1	1,617.06	FHLMC P(C0-0034	10.000	03/01/2021	1,776.57	109.34	1,768.16	(8.41)	0.00%	2.77	1.50	1.62	Aaa	AA+
31294MNG2	3,247,622.08	FHLMC GOLD #E03091	3.000	04/01/2027	3,394,272.51	102.75	3,336,801.78	(57,470.73)	1.04%	2.26	3.40	3.66	Aaa	AA+
31294MNH0	2,607,909.03	FHLMC GOLD #E03092	3.000	04/01/2027	2,731,377.22	102.74	2,679,496.13	(51,881.09)	0.84%	2.26	3.37	3.64	Aaa	AA+
31294MPH8	4,087,075.39	FHLMC GOLD #E03124	3.000	04/01/2027	4,275,464.02	102.74	4,199,061.26	(76,402.76)	1.31%	2.26	3.28	3.53	Aaa	AA+
31307BY95	1,417,204.99	FG #J23(J2-3436	2.500	04/01/2028	1,467,471.48	100.37	1,422,448.65	(45,022.83)	0.44%	2.30	3.75	4.07	Aaa	AA+
3136A0FK8	230,000.00	FNMA 2011-M4 A2 3.	3.726	06/25/2021	242,039.06	105.36	242,329.38	290.32	0.08%	2.39	4.03	4.40	Aaa	AA+
3136AH2E9	1,000,000.00	FNMA 2014-M1 A2 3.	3.363	07/25/2023	981,278.00	103.24	1,032,429.10	51,151.10	0.32%	2.69	5.76	6.46	Aaa	AA+
3136AQV80	625,000.00	FNMA 2016-M1 A2 2.	2.939	01/25/2026	628,092.19	100.09	625,593.13	(2,499.06)	0.20%	2.94	7.79	9.14	Aaa	AA+
3136G0DU2	250,000.00	FEDERAL NATL MTG A	2.000	04/30/2020	250,000.00	101.19	252,985.00	2,985.00	0.08%	1.63	3.21	3.33	Aaa	AA+
3136G16Y0	250,000.00	FEDERAL NATL MTG A	1.070	12/26/2018	250,000.00	99.57	248,927.50	(1,072.50)	0.08%	1.29	1.96	1.99	Aaa	AA+
3136G1AZ2	250,000.00	FEDERAL NATL MTG A	1.000	01/30/2018	250,000.00	99.68	249,210.00	(790.00)	0.08%	1.29	1.07	1.08	Aaa	AA+
31371C6H7	1,870.61	FNMA PO(248472	6.500	12/01/2023	1,806.41	113.14	2,116.35	309.94	0.00%	2.77	2.22	2.37	Aaa	AA+
31371CVE6	5,343.27	FNMA PO(248213	7.500	07/01/2023	5,371.75	101.14	5,404.08	32.33	0.00%	2.77	2.04	2.27	Aaa	AA+
31371EU52	2,539.63	FNMA PO(250004	6.500	04/01/2024	2,452.23	113.14	2,873.26	421.03	0.00%	2.77	2.33	2.49	Aaa	AA+
31372CBQ0	3,320.48	FNMA PO(268347	6.500	01/01/2024	3,206.51	113.14	3,756.69	550.18	0.00%	2.77	2.29	2.55	Aaa	AA+
31372F3H2	2,745.05	FNMA PO(271800	6.500	02/01/2024	2,650.61	113.14	3,105.67	455.06	0.00%	2.77	2.29	2.45	Aaa	AA+
31372F6A4	4,822.83	FNMA PO(271865	6.500	02/01/2024	4,656.92	113.14	5,456.41	799.49	0.00%	2.77	2.16	2.34	Aaa	AA+
31372PY78	1,866.41	FNMA PO(278934	6.500	04/01/2024	1,802.18	113.14	2,111.60	309.42	0.00%	2.77	2.33	2.61	Aaa	AA+
3137A2B26	3,010,000.00	FHMS K009 A2 3.81	3.808	08/25/2020	3,252,916.42	105.88	3,187,004.56	(65,911.86)	1.00%	2.02	3.29	3.54	Aaa	AA+
3137A63Z3	1,566,161.32	FHLMC 3792 DF FLT	1.104	11/15/2040	1,572,707.39	99.90	1,564,586.39	(8,121.00)	0.49%	1.23	0.10	1.33	Aaa	AA+
3137A8PP7	2,970,000.00	FHMS K012 A2 4.18	4.186	12/25/2020	3,289,275.00	107.62	3,196,188.67	(93,086.33)	1.00%	2.16	3.58	4.05	Aaa	AA+
3137B1BS0	10,000,000.00	FHMS K026 A2 2.51	2.510	11/25/2022	10,199,890.00	100.37	10,037,443.00	(162,447.00)	3.13%	2.42	5.33	5.79	Aaa	AA+
3137B1UG5	6,000,000.00	FHLMC REMIC SERIES	2.637	01/25/2023	6,119,976.00	101.01	6,060,453.00	(59,523.00)	1.89%	2.43	5.42	5.92	Aaa	AA+
3137BLMZ8	8,100,000.00	FHMS K049 A2 3.01	3.010	08/25/2025	8,342,781.30	101.19	8,196,684.03	(146,097.27)	2.56%	2.81	7.38	8.46	Aaa	AA+
3137EADB2	8,095,000.00	FHLMC 2.375 1/13/2	2.375	01/13/2022	8,129,447.03	101.64	8,227,838.95	98,391.92	2.57%	2.03	4.68	5.04	Aaa	AA+
31392JGM5	248,354.18	FED NATL MTG ASSN	3.500	03/25/2033	243,951.93	102.01	253,337.28	9,385.35	0.08%	2.34	2.64	2.84	Aaa	AA+
31393CTT0	25,277.25	FED NATL MTG ASSN	3.750	05/25/2033	25,277.25	101.24	25,590.84	313.59	0.01%	1.54	0.78	0.79	Aaa	AA+
31394AWY8	384,272.26	FNMA 2004-60 LB 5.	5.000	04/25/2034	414,533.70	105.96	407,160.36	(7,373.34)	0.13%	1.84	1.94	2.05	Aaa	AA+
31394EDP0	202,013.49	FNMA 2005-58 MA 5.	5.500	07/25/2035	222,214.84	110.24	222,702.66	487.82	0.07%	2.09	2.91	3.12	Aaa	AA+
31396CSM3	18,830.27	FHLMC REMIC SERIES	5.500	03/15/2035	20,030.70	102.65	19,328.63	(702.07)	0.01%	1.29	0.67	0.68	Aaa	AA+
31398F2N0	789,946.56	FNMA 2009-M1 A2 4.	4.287	07/25/2019	800,561.47	104.76	827,562.79	27,001.32	0.26%	2.06	2.14	2.26	Aaa	AA+
31398MC46	1,476,584.29	FNMA 2010-M1 A2 4.	4.450	09/25/2019	1,516,959.64	105.95	1,564,454.20	47,494.56	0.49%	1.95	2.41	2.56	Aaa	AA+
31398QHB6	2,250,000.00	FHMS K007 A2 4.224	4.224	03/25/2020	2,374,277.33	106.58	2,397,970.12	23,692.79	0.75%	1.95	2.89	3.10	Aaa	AA+
31398VA97	65,053.55	FHLMC 3649 EB 2.0	2.000	12/15/2018	66,070.01	100.27	65,226.23	(843.78)	0.02%	1.46	0.60	0.61	Aaa	AA+
31402DC73	206,891.23	FNMA #725594 5.5 7	5.500	07/01/2034	226,368.10	112.22	232,162.99	5,794.89	0.07%	2.70	3.95	4.44	Aaa	AA+
31402RF95	263,147.71	FNMA PO(735592	5.000	05/01/2034	256,157.85	109.76	288,833.56	32,675.71	0.09%	2.97	4.08	4.62	Aaa	AA+
31410GBT9	1,409,837.64	FNMA #888450 5.5 8	5.500	08/01/2035	1,554,566.29	112.14	1,581,034.22	26,467.93	0.49%	2.70	3.84	4.28	Aaa	AA+

FMIvT Intermediate High Quality Bond Fund
Holdings as of 12/31/16

			Interest	Maturity			Market	Unrealized	% of Total	from Investment Manager				
Asset ID	Units	Asset Description	Rate	Date	Cost	Price	Value	Gain/Loss	Market	YTM	DUR	WAL	Moody's RATING	S&P RATING
31412QY60	958,410.66	FNMA PA(932333	4.000	01/01/2025	975,182.85	106.66	1,022,288.73	47,105.88	0.32%	2.10	2.70	2.88	Aaa	AA+
31416M6U3	58,340.14	FNMA #A(AA4482	4.000	04/01/2039	60,965.44	105.76	61,702.28	736.84	0.02%	3.10	4.71	5.45	Aaa	AA+
31418AJM1	1,055,005.07	FNMA #M(MA1167	2.500	09/01/2027	1,097,370.12	100.31	1,058,233.39	(39,136.73)	0.33%	2.30	3.90	4.23	Aaa	AA+
31419AGK7	155,421.97	FNMA #AE0201 5.5 8	5.500	08/01/2037	170,769.89	112.17	174,335.27	3,565.38	0.05%	2.70	3.94	4.43	Aaa	AA+
34528QBP8	2,900,000.00	FORDF 12-2 A 1.92	1.920	01/15/2019	2,899,150.01	100.03	2,900,770.24	1,620.23	0.91%	1.25	0.10	0.10	Aaa	AAA
36159JDH1	5,600,000.00	GEMNT 12-6 A 1.36	1.360	08/17/2020	5,597,823.84	100.06	5,603,123.68	5,299.84	1.75%	1.29	0.60	0.61	NR	AAA
36203E7B8	2,559.53	GNMA PO(347490X	7.000	09/15/2023	2,531.64	106.86	2,735.14	203.50	0.00%	2.77	2.25	2.42	Aaa	AA+
36203LRW4	1,187.79	GNMA PO(352501X	7.000	09/15/2023	1,174.84	107.00	1,270.89	96.05	0.00%	2.77	2.17	2.33	Aaa	AA+
36203R4F3	319.14	GNMA PO(357322X	7.000	09/15/2023	315.66	106.08	338.54	22.88	0.00%	2.77	2.11	2.27	Aaa	AA+
36203XWY8	1,177.20	GNMA PO(362563X	7.000	08/15/2023	1,164.37	103.27	1,215.69	51.32	0.00%	2.77	2.08	2.28	Aaa	AA+
36204D4S5	6,034.88	GNMA PO(367233X	7.000	09/15/2023	5,969.12	107.11	6,463.72	494.60	0.00%	2.77	2.18	2.34	Aaa	AA+
36205Y3Y6	8,246.90	GNMA PO(405015X	9.000	03/15/2025	8,833.63	100.46	8,285.17	(548.46)	0.00%	2.77	2.75	3.36	Aaa	AA+
36206CHJ1	797.43	GNMA PO(407133X	9.000	01/15/2025	850.47	101.11	806.28	(44.19)	0.00%	2.77	2.62	3.15	Aaa	AA+
36206FHJ4	35,053.99	GNMA PO(409833X	9.000	04/15/2025	36,875.02	103.40	36,244.07	(630.95)	0.01%	2.77	2.69	3.16	Aaa	AA+
36224QVE3	4,936.39	GNMA PO(335513X	7.000	12/15/2022	4,882.61	106.28	5,246.25	363.64	0.00%	2.77	2.00	2.16	Aaa	AA+
36251LAB9	5,554,260.03	GMALT 16-2 A2A 1.2	1.280	10/22/2018	5,553,761.26	99.97	5,552,817.59	(943.67)	1.73%	1.35	0.75	0.76	NR	AAA
44890UAD6	1,700,000.00	HART 2014-B A4 1.4	1.460	11/15/2019	1,707,238.28	100.13	1,702,145.57	(5,092.71)	0.53%	1.37	0.97	0.98	NR	AAA
46625HJG6	2,000,000.00	JPMORGAN CHASE & C	1.800	01/25/2018	1,998,660.00	100.11	2,002,220.00	3,560.00	0.63%	1.69	1.04	1.07	A3	A-
80283FAF3	3,200,000.00	SDART 2013-1 D 2.2	2.270	01/15/2019	3,212,375.01	100.39	3,212,639.68	264.67	1.00%	1.61	0.57	0.58	NR	AAA
80283NAF6	3,605,820.83	SDART 2014-1 C 2.3	2.360	04/15/2020	3,630,047.44	100.42	3,621,063.36	(8,984.08)	1.13%	1.15	0.35	0.35	NR	AAA
80283XAF4	2,700,000.00	SDART 2014-3 C 2.1	2.130	08/17/2020	2,713,851.58	100.37	2,709,880.65	(3,970.93)	0.85%	1.42	0.50	0.50	Aaa	AAA
80284AAE6	440,338.97	SDART 2014-5 B 1.7	1.760	09/16/2019	441,302.21	100.12	440,847.61	(454.60)	0.14%	1.34	0.27	0.27	Aaa	N.R.
80284CAD4	335,116.97	SDART 2015-1 A3 1.	1.270	02/15/2019	335,326.42	100.00	335,115.29	(211.13)	0.10%	1.31	0.10	0.10	NR	AAA
80284LAE2	2,915,000.00	SDART 2015-3 B 2.0	2.070	04/15/2020	2,932,763.28	100.35	2,925,203.96	(7,559.32)	0.91%	1.65	0.77	0.78	Aaa	N.R.
80285EAB3	2,579,893.31	SDART 2016-1 A2A 1	1.410	07/15/2019	2,584,125.96	100.07	2,581,667.50	(2,458.46)	0.81%	1.19	0.29	0.30	Aaa	N.R.
89231MAC9	510,150.60	TOYOTA AUTO 14-A	0.670	12/15/2017	509,233.93	99.96	509,927.66	693.73	0.16%	1.24	0.10	0.10	Aaa	AAA
912796KX6	9,250,000.00	US TREASURY BILL 1	0.000	11/09/2017	9,195,326.33	99.41	9,195,326.33	0.00	2.87%	0.80	0.86	0.86	Aaa	AA+
9128282B5	500,000.00	US TREASURY 0.75 8	0.750	08/15/2019	498,361.05	98.46	492,305.00	(6,056.05)	0.15%	1.35	2.58	2.62	Aaa	AA+
912828A42	5,000,000.00	US TREASURY 2.0 11	2.000	11/30/2020	5,058,219.85	101.04	5,051,750.00	(6,469.85)	1.58%	1.73	3.75	3.92	Aaa	AA+
912828B66	13,850,000.00	US TREASURY 2.75 2	2.750	02/15/2024	13,891,901.12	103.28	14,304,418.50	412,517.38	4.47%	2.25	6.40	7.13	Aaa	AA+
912828K74	1,450,000.00	US TREASURY 2.0 8/	2.000	08/15/2025	1,437,035.10	96.87	1,404,571.50	(32,463.60)	0.44%	2.40	7.80	8.62	Aaa	AA+
912828P46	3,000,000.00	US TREASURY 1.625	1.625	02/15/2026	2,944,347.94	93.44	2,803,140.00	(141,207.94)	0.88%	2.43	8.34	9.13	Aaa	AA+
912828Q52	3,000,000.00	US TREASURY 0.875	0.875	04/15/2019	2,995,088.18	99.10	2,973,060.00	(22,028.18)	0.93%	1.27	2.25	2.29	Aaa	AA+
912828Q78	13,000,000.00	US TREASURY 1.375	1.375	04/30/2021	13,051,840.36	98.10	12,752,740.00	(299,100.36)	3.98%	1.83	4.17	4.33	Aaa	AA+
912828Q94	3,000,000.00	US TREASURY 0.75 4	0.750	04/30/2018	2,998,369.44	99.67	2,990,160.00	(8,209.44)	0.93%	1.00	1.32	1.33	Aaa	AA+
912828R28	3,000,000.00	US TREASURY 1.625	1.625	04/30/2023	3,002,472.94	96.72	2,901,570.00	(100,902.94)	0.91%	2.18	5.95	6.33	Aaa	AA+
912828S92	20,200,000.00	US TREASURY 1.25 7	1.250	07/31/2023	19,145,783.93	94.14	19,016,482.00	(129,301.93)	5.94%	2.21	6.23	6.58	Aaa	AA+
912828T67	4,500,000.00	US TREASURY 1.25 1	1.250	10/31/2021	4,407,729.92	96.97	4,363,605.00	(44,124.92)	1.36%	1.91	4.65	4.83	Aaa	AA+
912828TS9	1,100,000.00	US TREASURY 0.625	0.625	09/30/2017	1,071,024.93	99.86	1,098,449.00	27,424.07	0.34%	0.81	0.74	0.75	Aaa	AA+

FMIvT Intermediate High Quality Bond Fund
Holdings as of 12/31/16

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain/Loss	% of Total Market	from Investment Manager YTM	DUR	WAL	Moody's RATING	S&P RATING
912828TY6	300,000.00	US TREASURY 1.625	1.625	11/15/2022	294,212.14	97.32	291,960.00	(2,252.14)	0.09%	2.11	5.55	5.87	Aaa	AA+
912828U24	5,500,000.00	US TREASURY 2.0 11	2.000	11/15/2026	5,256,442.91	96.22	5,291,825.00	35,382.09	1.65%	2.43	8.86	9.87	Aaa	AA+
912828U57	11,450,000.00	US TREASURY 2.125	2.125	11/30/2023	11,320,215.75	99.34	11,373,972.00	53,756.25	3.55%	2.23	6.38	6.92	Aaa	AA+
912828U65	12,430,000.00	US TREASURY 1.75 1	1.750	11/30/2021	12,304,188.92	99.25	12,337,272.20	33,083.28	3.85%	1.91	4.68	4.92	Aaa	AA+
912828VE7	13,000,000.00	US TREASURY 1.0 5/	1.000	05/31/2018	12,748,402.93	99.96	12,994,930.00	246,527.07	4.06%	1.03	1.40	1.41	Aaa	AA+
912828VP2	1,700,000.00	US TREASURY 2.0 7/	2.000	07/31/2020	1,699,077.11	101.29	1,721,981.00	22,903.89	0.54%	1.63	3.42	3.58	Aaa	AA+
912828WD8	2,000,000.00	US TREASURY 1.25 1	1.250	10/31/2018	1,991,100.44	100.16	2,003,200.00	12,099.56	0.63%	1.16	1.80	1.83	Aaa	AA+
912828XB1	16,800,000.00	US TREASURY 2.125	2.125	05/15/2025	16,551,942.22	98.03	16,469,208.00	(82,734.22)	5.14%	2.39	7.60	8.37	Aaa	AA+
92867RAC3	2,245,772.75	VALET 2014-1 A3 0.	0.910	10/22/2018	2,239,143.90	99.87	2,242,839.32	3,695.42	0.70%	1.27	0.44	0.44	Aaa	N.R.
981464DB3	3,500,000.00	WFNMT 2012-B A 1.7	1.760	05/17/2021	3,518,183.59	100.22	3,507,638.75	(10,544.84)	1.10%	1.23	0.52	0.53	NR	AAA
981464FJ4	2,525,000.00	WFNMT 2016-A A 2.0	2.03	4/15/2025	2,524,252.85	97.94	2,473,038.02	(51,214.83)	0.77%	2.65	4.19	4.44	NR	AAA
98160VAE1	6,125,000.00	WOLS 2015-A A4 1.7	1.73	12/15/2020	6,124,731.73	100.33	6,145,144.51	20,412.78	1.92%	1.49	1.16	1.18	Aaa	N.R.
	319,802,776.95				320,100,253.32		319,537,953.18	(562,300.14)	99.77%	1.91	3.74	4.08		
VP4560000	727,437.83	WF ADV GOVT MM FD-INSTL #1751			727,437.83	1.00	727,437.83	0.00	0.23%	0.01	-	-	Aaa-mf	AAAm
	320,530,214.78				**320,827,691.15**		**320,265,391.01**	**(562,300.14)**	**100.00%**	**1.90**	**3.73**	**4.08**		

Portfolio NAV	320,742,181.79
# Shares	13,896,614.43
NAV per Shares	23.080599

TOWN OF PALM BEACH SHORT TERM PORTFOLIO - 68904245

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Commercial Paper											
BANK OF MONTREAL CHICAGO COMM PAPER -- 0.000% 05/12/2017	06366GSC4	5,500,000.00	A-1	P-1	08/17/16	08/18/16	5,449,478.79	1.25	0.00	5,475,212.44	5,476,328.00
Security Type Sub-Total		**5,500,000.00**					**5,449,478.79**	**1.25**	**0.00**	**5,475,212.44**	**5,476,328.00**
Managed Account Sub-Total		**5,500,000.00**					**5,449,478.79**	**1.25**	**0.00**	**5,475,212.44**	**5,476,328.00**
Securities Sub-Total		**$5,500,000.00**					**$5,449,478.79**	**1.25%**	**$0.00**	**$5,475,212.44**	**$5,476,328.00**
Accrued Interest											**$0.00**
Total Investments											**$5,476,328.00**

TOWN OF PALM BEACH 1-5 YR PORTFOLIO - 68904260

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY NOTES DTD 10/31/2012 0.750% 10/31/2017	912828TW0	260,000.00	AA+	Aaa	11/01/12	11/05/12	260,192.97	0.73	333.98	260,032.56	259,766.52
US TREASURY NOTES DTD 11/30/2012 0.625% 11/30/2017	912828UA6	465,000.00	AA+	Aaa	05/06/14	05/09/14	456,026.95	1.18	255.49	462,666.08	463,910.04
US TREASURY NOTES DTD 12/31/2012 0.750% 12/31/2017	912828UE8	800,000.00	AA+	Aaa	12/05/14	12/09/14	790,593.75	1.14	16.57	796,898.58	798,687.20
US TREASURY NOTES DTD 04/30/2013 0.625% 04/30/2018	912828UZ1	165,000.00	AA+	Aaa	05/10/13	05/15/13	163,498.24	0.81	176.62	164,591.78	164,194.31
US TREASURY NOTES DTD 01/31/2014 1.500% 01/31/2019	912828B33	95,000.00	AA+	Aaa	07/29/14	07/31/14	94,558.40	1.61	596.33	94,791.80	95,515.85
US TREASURY NOTES DTD 06/02/2014 1.500% 05/31/2019	912828WL0	390,000.00	AA+	Aaa	11/10/16	11/14/16	394,265.63	1.06	514.29	394,047.98	391,797.51
US TREASURY NOTES DTD 11/30/2012 1.000% 11/30/2019	912828UB4	240,000.00	AA+	Aaa	05/28/15	05/29/15	235,368.75	1.44	210.99	236,972.73	237,112.56
US TREASURY NOTES DTD 02/28/2013 1.250% 02/29/2020	912828UO1	640,000.00	AA+	Aaa	09/01/15	09/03/15	634,125.00	1.46	2,718.23	635,827.36	634,899.84
US TREASURY NOTES DTD 03/31/2015 1.375% 03/31/2020	912828J84	100,000.00	AA+	Aaa	06/22/16	06/27/16	101,226.56	1.04	351.30	101,061.62	99,476.60
US TREASURY NOTES DTD 03/31/2015 1.375% 03/31/2020	912828J84	100,000.00	AA+	Aaa	06/22/16	06/27/16	101,273.44	1.03	351.30	101,102.14	99,476.60
US TREASURY NOTES DTD 03/31/2015 1.375% 03/31/2020	912828J84	249,000.00	AA+	Aaa	06/23/16	06/28/16	251,830.43	1.07	874.75	251,451.80	247,696.73
US TREASURY NOTES DTD 07/31/2013 2.000% 07/31/2020	912828VP2	300,000.00	AA+	Aaa	02/01/16	02/03/16	309,082.03	1.30	2,510.87	307,283.86	303,879.00
US TREASURY NOTES DTD 07/31/2013 2.000% 07/31/2020	912828VP2	600,000.00	AA+	Aaa	12/28/15	12/30/15	607,570.31	1.71	5,021.74	605,963.67	607,758.00
US TREASURY NOTES DTD 07/31/2013 2.000% 07/31/2020	912828VP2	620,000.00	AA+	Aaa	12/01/15	12/04/15	631,576.56	1.58	5,189.13	628,980.35	628,016.60

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TOWN OF PALM BEACH 1-5 YR PORTFOLIO - 68904260

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY NOTE DTD 12/02/2013 2.000% 11/30/2020	912828A42	270,000.00	AA+	Aaa	05/03/16	05/06/16	279,355.08	1.22	474.73	278,043.35	272,795.04
US TREASURY NOTE DTD 12/02/2013 2.000% 11/30/2020	912828A42	370,000.00	AA+	Aaa	03/02/16	03/04/16	380,536.33	1.38	650.55	378,746.37	373,830.24
US TREASURY NOTES DTD 03/31/2016 1.250% 03/31/2021	912828O37	35,000.00	AA+	Aaa	07/06/16	07/08/16	35,497.66	0.94	111.78	35,447.72	34,191.99
US TREASURY NOTES DTD 03/31/2016 1.250% 03/31/2021	912828O37	375,000.00	AA+	Aaa	09/01/16	09/02/16	375,541.99	1.22	1,197.63	375,504.49	366,342.75
US TREASURY NOTES DTD 03/31/2014 2.250% 03/31/2021	912828C57	415,000.00	AA+	Aaa	10/03/16	10/05/16	434,615.23	1.17	2,385.68	433,582.76	422,505.69
US TREASURY N/B DTD 07/31/2014 2.250% 07/31/2021	912828WY2	490,000.00	AA+	Aaa	11/22/16	11/23/16	500,412.50	1.78	4,613.72	500,189.43	497,675.36
US TREASURY NOTES DTD 09/02/2014 2.000% 08/31/2021	912828D72	725,000.00	AA+	Aaa	12/01/16	12/05/16	726,925.78	1.94	4,926.80	726,899.38	727,888.40
Security Type Sub-Total		**7,704,000.00**					**7,764,073.59**	**1.38**	**33,482.48**	**7,770,085.81**	**7,727,416.83**
Municipal Bond / Note											
NYC, NY TXBL GO BONDS DTD 03/31/2015 1.650% 10/01/2018	64966LZC8	265,000.00	AA	Aa2	03/13/15	03/31/15	265,000.00	1.65	1,093.13	265,000.00	265,731.40
NYC, NY TXBL GO BONDS DTD 06/18/2015 1.800% 06/01/2019	64966LN49	180,000.00	AA	Aa2	06/03/15	06/18/15	180,000.00	1.80	270.00	180,000.00	180,563.40
Security Type Sub-Total		**445,000.00**					**445,000.00**	**1.71**	**1,363.13**	**445,000.00**	**446,294.80**
Federal Agency Bond / Note											
FREDDIE MAC GLOBAL NOTES DTD 06/25/2012 1.000% 07/28/2017	3137EADJ5	180,000.00	AA+	Aaa	07/30/12	07/31/12	181,416.60	0.84	765.00	180,166.18	180,279.72
FNMA NOTES DTD 08/25/2014 1.000% 09/27/2017	3135G0ZL0	230,000.00	AA+	Aaa	08/21/14	08/25/14	229,178.90	1.12	600.56	229,800.99	230,215.05

TOWN OF PALM BEACH 1-5 YR PORTFOLIO - 68904260

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Federal Agency Bond / Note											
FANNIE MAE GLOBAL NOTES DTD 09/24/2012 0.875% 10/26/2017	3135G0PO0	500,000.00	AA+	Aaa	11/27/13	12/03/13	496,175.00	1.08	789.93	499,182.92	500,070.00
FREDDIE MAC GLOBAL NOTES DTD 01/17/2013 0.875% 03/07/2018	3137EADP1	170,000.00	AA+	Aaa	03/20/13	03/21/13	169,369.30	0.95	471.04	169,846.92	169,779.51
FREDDIE MAC GLOBAL NOTES DTD 01/17/2013 0.875% 03/07/2018	3137EADP1	425,000.00	AA+	Aaa	03/27/13	04/01/13	424,443.25	0.90	1,177.60	424,864.34	424,448.78
FANNIE MAE GLOBAL NOTES DTD 04/15/2013 0.875% 05/21/2018	3135G0WJ8	485,000.00	AA+	Aaa	05/22/13	05/28/13	480,732.00	1.06	471.53	483,787.46	483,642.97
FNMA NOTES DTD 06/08/2015 1.125% 07/20/2018	3135G0E33	320,000.00	AA+	Aaa	05/06/16	05/09/16	322,252.80	0.80	1,610.00	321,596.66	320,005.12
FHLB NOTES DTD 07/08/2016 0.625% 08/07/2018	3130A8PK3	500,000.00	AA+	Aaa	08/12/16	08/15/16	498,210.00	0.81	1,250.00	498,549.93	496,026.00
FHLB GLOBAL NOTE DTD 08/26/2016 0.875% 10/01/2018	3130A9AE1	625,000.00	AA+	Aaa	08/25/16	08/26/16	624,575.00	0.91	1,367.19	624,644.06	621,560.63
FHLB GLOBAL NOTE DTD 06/03/2016 1.125% 06/21/2019	3130A8DB6	470,000.00	AA+	Aaa	06/02/16	06/03/16	469,802.60	1.14	146.88	469,838.93	467,324.76
FHLB GLOBAL NOTE DTD 08/04/2016 0.875% 08/05/2019	3130A8Y72	550,000.00	AA+	Aaa	08/03/16	08/04/16	548,944.00	0.94	1,965.10	549,085.94	542,215.85
FHLB GLOBAL NOTE DTD 08/04/2016 0.875% 08/05/2019	3130A8Y72	600,000.00	AA+	Aaa	08/12/16	08/15/16	598,656.00	0.95	2,143.75	598,825.07	591,508.20
FNMA NOTES DTD 09/02/2016 1.000% 08/28/2019	3135G0P49	520,000.00	AA+	Aaa	08/31/16	09/02/16	519,188.80	1.05	1,718.89	519,277.26	514,223.32
FNMA BENCHMARK NOTE DTD 05/16/2016 1.250% 05/06/2021	3135G0K69	475,000.00	AA+	Aaa	06/27/16	06/29/16	477,375.00	1.14	907.12	477,134.50	461,542.30
FNMA NOTES DTD 08/19/2016 1.250% 08/17/2021	3135G0N82	90,000.00	AA+	Aaa	08/17/16	08/19/16	89,692.11	1.32	412.50	89,714.04	86,982.30
FNMA NOTES DTD 08/19/2016 1.250% 08/17/2021	3135G0N82	310,000.00	AA+	Aaa	08/17/16	08/19/16	308,744.50	1.33	1,420.83	308,833.89	299,605.70

TOWN OF PALM BEACH 1-5 YR PORTFOLIO - 68904260

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Security Type Sub-Total		**6,450,000.00**					**6,438,755.86**	**1.00**	**17,217.92**	**6,445,149.09**	**6,389,430.21**
Corporate Note											
BOEING COMPANY (FLOATING) NOTE DTD 10/31/2014 1.012% 10/30/2017	097023BF1	220,000.00	A	A2	10/28/14	10/31/14	220,000.00	0.36	388.92	220,000.00	219,809.04
AMERICAN HONDA FINANCE CORP NOTES DTD 02/23/2016 1.700% 02/22/2019	02665WBA8	100,000.00	A+	A1	02/18/16	02/23/16	99,980.00	1.71	609.17	99,985.59	99,590.40
GOLDMAN SACHS GRP INC CORP NT (CALLABLE) DTD 04/25/2016 2.000% 04/25/2019	38141GVT8	40,000.00	BBB+	A3	04/20/16	04/25/16	39,888.80	2.10	146.67	39,913.54	39,841.12
GOLDMAN SACHS GRP INC CORP NT (CALLABLE) DTD 04/25/2016 2.000% 04/25/2019	38141GVT8	240,000.00	BBB+	A3	04/21/16	04/26/16	239,846.40	2.02	880.00	239,880.55	239,046.72
NEW YORK UNIVERSITY CORPORATE NOTE DTD 04/16/2015 1.767% 07/01/2019	650119AF7	60,000.00	AA-	Aa3	04/10/15	04/16/15	60,000.00	1.77	530.10	60,000.00	59,772.96
AMERICAN HONDA FINANCE DTD 07/12/2016 1.200% 07/12/2019	02665WBE0	110,000.00	A+	A1	07/07/16	07/12/16	109,890.00	1.23	619.67	109,906.95	108,044.75
TOYOTA MOTOR CREDIT CORP NOTES DTD 07/18/2014 2.125% 07/18/2019	89236TBP9	450,000.00	AA-	Aa3	04/09/15	04/14/15	457,546.50	1.71	4,329.69	454,579.79	451,952.55
MICROSOFT CORP NOTES DTD 08/08/2016 1.100% 08/08/2019	594918BN3	130,000.00	AAA	Aaa	08/01/16	08/08/16	129,866.10	1.14	568.03	129,883.58	128,251.89
BERKSHIRE HATHAWAY INC CORPORATE NOTES DTD 08/15/2016 1.300% 08/15/2019	084664CK5	50,000.00	AA	Aa2	08/08/16	08/15/16	49,951.50	1.33	245.56	49,957.51	49,392.80
BANK OF NEW YORK MELLON NT (CALLABLE) DTD 09/11/2014 2.300% 09/11/2019	06406HCW7	450,000.00	A	A1	03/02/15	03/05/15	455,989.50	1.99	3,162.50	453,592.09	453,708.00
GENERAL ELECTRIC CAP CORP NOTES DTD 01/08/2010 5.500% 01/08/2020	36962G4J0	450,000.00	AA-	A1	09/03/15	09/09/15	508,977.00	2.30	11,893.75	491,743.92	493,063.20
JPMORGAN CHASE & CO (CALLABLE) DTD 01/23/2015 2.250% 01/23/2020	46625HKA7	350,000.00	A-	A3	10/02/15	10/06/15	348,670.00	2.34	3,456.25	349,043.12	349,176.10

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TOWN OF PALM BEACH 1-5 YR PORTFOLIO - 68904260

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note											
WELLS FARGO & CO DTD 02/02/2015 2.150% 01/30/2020	94974BGF1	450,000.00	A	A2	03/24/15	03/27/15	451,521.00	2.08	4,058.13	450,988.41	447,873.75
CISCO SYSTEMS INC CORP NOTES DTD 06/17/2015 2.450% 06/15/2020	17275RAX0	400,000.00	AA-	A1	06/15/15	06/18/15	401,048.00	2.39	435.56	400,738.49	404,035.20
AMERICAN EXPRESS CREDIT CORP NOTES DTD 05/05/2016 2.250% 05/05/2021	0258M0EB1	110,000.00	A-	A2	05/05/16	05/10/16	110,601.70	2.13	385.00	110,527.88	108,689.24
BRANCH BANKING & TRUST CORP NOTE DTD 05/10/2016 2.050% 05/10/2021	05531FAV5	90,000.00	A-	A2	05/11/16	05/16/16	89,881.20	2.08	261.38	89,895.58	88,330.41
STATE STREET CORP NOTES DTD 05/19/2016 1.950% 05/19/2021	857477AV5	50,000.00	A	A1	05/19/16	05/24/16	49,811.00	2.03	113.75	49,832.93	48,996.05
Security Type Sub-Total		**3,750,000.00**					**3,823,468.70**	**1.93**	**32,084.13**	**3,800,469.93**	**3,789,574.18**
Managed Account Sub-Total		**18,349,000.00**					**18,471,298.15**	**1.37**	**84,147.66**	**18,460,704.83**	**18,352,716.02**
Securities Sub-Total		**$18,349,000.00**					**$18,471,298.15**	**1.37%**	**$84,147.66**	**$18,460,704.83**	**$18,352,716.02**
Accrued Interest											**$84,147.66**
Total Investments											**$18,436,863.68**

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Managed Account Detail of Securities Held

For the Month Ending **December 31, 2016**

TOWN OF PALM BEACH 2013 BOND FUND - 68904265

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY NOTES DTD 07/31/2012 0.500% 07/31/2017	912828TG5	3,750,000.00	AA+	Aaa	03/14/14	03/17/14	3,696,240.23	0.93	7,846.47	3,740,621.44	3,746,190.00
Security Type Sub-Total		**3,750,000.00**					**3,696,240.23**	**0.93**	**7,846.47**	**3,740,621.44**	**3,746,190.00**
Federal Agency Bond / Note											
FNMA NOTES DTD 03/10/2014 0.750% 04/20/2017	3135G0ZB2	3,750,000.00	AA+	Aaa	03/14/14	03/17/14	3,738,562.50	0.85	5,546.88	3,748,867.13	3,751,458.75
FANNIE MAE GLOBAL NOTES DTD 09/24/2012 0.875% 10/26/2017	3135G0PO0	2,500,000.00	AA+	Aaa	03/14/14	03/17/14	2,481,325.00	1.09	3,949.65	2,495,697.43	2,500,350.00
Security Type Sub-Total		**6,250,000.00**					**6,219,887.50**	**0.94**	**9,496.53**	**6,244,564.56**	**6,251,808.75**
Commercial Paper											
BANK OF TOKYO MITSUBISHI UFJ COMM PAPER -- 0.000% 02/03/2017	06538BP31	6,000,000.00	A-1	P-1	08/05/16	08/05/16	5,966,330.00	1.12	0.00	5,993,895.00	5,995,686.00
JP MORGAN SECURITIES LLC COMM PAPER -- 0.000% 05/12/2017	46640PSC8	4,800,000.00	A-1	P-1	08/17/16	08/17/16	4,761,408.00	1.09	0.00	4,781,136.00	4,779,412.80
Security Type Sub-Total		**10,800,000.00**					**10,727,738.00**	**1.10**	**0.00**	**10,775,031.00**	**10,775,098.80**
Managed Account Sub-Total		**20,800,000.00**					**20,643,865.73**	**1.03**	**17,343.00**	**20,760,217.00**	**20,773,097.55**
Securities Sub-Total		**$20,800,000.00**					**$20,643,865.73**	**1.03%**	**$17,343.00**	**$20,760,217.00**	**$20,773,097.55**
Accrued Interest											**$17,343.00**
Total Investments											**$20,790,440.55**

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary as of December 31, 2016

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	7 YRS	Return Since	Inception Date
$24,223,757	**100.0**	**Total Fund**	**0.8**	**1.3**	**1.3**	**6.9**	**6.9**	**1.1**	**1.5**	**6.4**	**5.8**	**2.7**	**Jul-07**
		Target Index	1.3	1.2	1.2	7.6	7.6	2.0	2.1	5.9	5.7	3.0	Jul-07
		Actual Index	1.4	1.6	1.6	7.5	7.5	2.3	2.6	6.4	6.1	3.3	Jul-07
		60% MSCI AC World Index/ 40% Blbg BC Global Aggregate Index	1.1	-2.2	-2.2	5.7	5.7	1.5	1.9	5.8	5.2	3.3	Jul-07
		55% Russell 3000 Index/ 15% MSCI EAFE Index/ 30% Blbg BC Global Aggregate Index	1.4	0.0	0.0	7.9	7.9	3.5	4.4	9.1	8.3	4.9	Jul-07
		Consumer Price Index	0.0	0.0	0.0	2.1	2.1	1.4	1.2	1.4	1.6	1.6	Jul-07
$13,777,678	**56.9**	**Global Equity**	**1.7**	**2.3**	**2.3**	**8.3**	**8.3**	**2.2**	**3.6**	**11.4**	**9.1**	**3.3**	**Jul-07**
$9,108,296	**37.6**	**Domestic Equity**	**1.8**	**4.8**	**4.8**	**13.4**	**13.4**	**5.9**	**7.5**	**13.9**	**11.8**	**4.9**	**Jul-07**
		Russell 3000 Index	**2.0**	**4.2**	**4.2**	**12.7**	**12.7**	**6.4**	**8.4**	**14.7**	**12.9**	**6.7**	
$6,433,219	26.6	Fidelity Total Market Index Fund Premium Class	2.0	4.2	4.2	12.7	12.7	6.4	8.4	14.6	12.9	6.7	Jul-07
		Wilshire 5000 Index	**1.9**	**4.3**	**4.3**	**13.0**	**13.0**	**6.2**	**8.1**	**14.5**	**12.9**	**6.8**	
$1,259,825	5.2	FPA Crescent Fund	1.2	4.5	4.5	10.3	10.3	3.9	4.8	NA	NA	8.2	Apr-12
		S&P 500 Index	**2.0**	**3.8**	**3.8**	**12.0**	**12.0**	**6.5**	**8.9**	**14.7**	**12.8**	**12.6**	
		60% Russell 2500 / 40% Blbg BC Global Credit	**1.4**	**2.2**	**2.2**	**12.9**	**12.9**	**4.7**	**4.9**	**10.1**	**9.9**	**8.6**	
		HFRI Equity Hedge (Total) Index	**0.8**	**1.3**	**1.3**	**5.5**	**5.5**	**2.2**	**2.1**	**5.5**	**4.1**	**4.3**	
$1,415,252	5.8	FMI Common Stock Fund	1.8	7.9	7.9	20.2	20.2	5.8	6.0	NA	NA	10.0	Apr-12
		Russell 2500 Index	**1.9**	**6.1**	**6.1**	**17.6**	**17.6**	**6.9**	**6.9**	**14.5**	**13.6**	**12.4**	
$4,669,382	**19.3**	**International Equity**	**1.4**	**-2.2**	**-2.2**	**-0.4**	**-0.4**	**-4.1**	**-2.8**	**7.3**	**4.6**	**0.6**	**Jul-07**
		MSCI AC World ex USA (Net)	**2.6**	**-1.3**	**-1.3**	**4.5**	**4.5**	**-0.7**	**-1.8**	**5.0**	**2.9**	**-0.2**	
		MSCI EAFE (Net)	**3.4**	**-0.7**	**-0.7**	**1.0**	**1.0**	**0.1**	**-1.6**	**6.5**	**3.8**	**-0.3**	
$2,593,246	10.7	Dodge & Cox International Stock Fund	2.4	3.4	3.4	8.3	8.3	-2.0	-1.3	8.0	5.0	1.0	Jul-07
		MSCI AC World ex USA (Net)	**2.6**	**-1.3**	**-1.3**	**4.5**	**4.5**	**-0.7**	**-1.8**	**5.0**	**2.9**	**-0.2**	
$2,076,136	8.6	Artisan International Institutional Fund	0.0	-8.4	-8.4	-9.4	-9.4	-6.6	-4.7	6.4	NA	3.3	Jul-11
		MSCI EAFE (Net)	**3.4**	**-0.7**	**-0.7**	**1.0**	**1.0**	**0.1**	**-1.6**	**6.5**	**3.8**	**2.5**	

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary as of December 31, 2016

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	7 YRS	Return Since	Inception Date
$2,098,241	**8.7**	**Total Flexible Capital**	**0.8**	**1.6**	**1.6**	**0.9**	**0.9**	**-1.0**	**0.0**	**4.3**	**3.6**	**2.7**	**Jul-07**
		HFRI Fund of Funds Composite Index	**1.1**	**1.1**	**1.1**	**0.7**	**0.7**	**0.2**	**1.3**	**3.5**	**2.4**	**0.6**	
$2,098,241	8.7	Forester Offshore A2, Ltd.	0.7	1.2	1.2	-1.5	-1.5	-0.6	1.5	5.7	4.4	4.0	Jul-07
		HFRI FOF: Strategic Index	**0.6**	**0.2**	**0.2**	**-0.1**	**-0.1**	**-0.3**	**0.8**	**3.7**	**2.4**	**0.4**	
$5,297,937	**21.9**	**Total Fixed Income**	**0.2**	**-2.0**	**-2.0**	**1.7**	**1.7**	**1.2**	**1.8**	**1.8**	**2.6**	**2.9**	**Jul-07**
		Fixed Income Composite Index	**0.1**	**-2.1**	**-2.1**	**1.8**	**1.8**	**1.3**	**2.0**	**1.5**	**2.5**	**3.3**	
$2,950,948	12.2	Vanguard Total Bond Market Index Fund Adm	0.3	-3.2	-3.2	NA	NA	NA	NA	NA	NA	-3.2	Oct-16
		Blbg Barc U.S. Aggregate Float Adjusted	**0.2**	**-3.1**	**-3.1**	**2.8**	**2.8**	**1.6**	**3.0**	**2.2**	**3.6**	**-3.1**	
$2,346,989	9.7	Vanguard Short Term US Treasury Admiral Fund	0.1	-0.6	-0.6	1.2	1.2	0.9	0.9	0.7	NA	0.7	Dec-11
		Blbg Barc U.S. Treasury: 1-5 Year	**0.0**	**-1.2**	**-1.2**	**1.0**	**1.0**	**1.0**	**1.0**	**0.8**	**1.6**	**0.8**	
$2,884,951	**11.9**	**Total Real Assets**	**-1.6**	**2.6**	**2.6**	**23.8**	**23.8**	**-1.6**	**-5.8**	**-3.4**	**0.4**	**-5.0**	**Jul-07**
		Real Assets Composite Index	**0.8**	**3.1**	**3.1**	**18.5**	**18.5**	**-1.0**	**-4.3**	**-1.9**	**1.6**	**-0.5**	
$786,873	3.2	Vanguard Short-Term Inflation Protected Securities Adm. Fund	0.3	-0.2	-0.2	2.7	2.7	1.3	NA	NA	NA	0.3	Mar-14
		Bloomberg Barclays U.S. Treasury: 0-5 Year TIPS	**0.3**	**-0.3**	**-0.3**	**3.1**	**3.1**	**1.4**	**0.6**	**0.5**	**1.5**	**0.4**	
$505,971	2.1	Nuveen Gresham Diversified Commodities Fund	1.9	4.1	4.1	10.9	10.9	-9.2	NA	NA	NA	-9.2	Jan-15
		Bloomberg Commodity Index	**1.8**	**2.7**	**2.7**	**11.7**	**11.7**	**-8.2**	**-11.3**	**-9.0**	**-6.3**	**-8.2**	
$1,592,107	6.6	Van Eck Global Hard Assets I Fund	-3.6	3.5	3.5	43.7	43.7	-2.0	-8.1	NA	NA	-3.8	Apr-12
		S&P North American Natural Res Sector Index (TR)	**0.7**	**5.0**	**5.0**	**30.9**	**30.9**	**-0.4**	**-3.7**	**1.3**	**2.9**	**0.4**	

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary as of December 31, 2016

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	7 YRS	Return Since	Inception Date
$164,950	**0.7**	**Total Liquid Capital**	**0.0**	**0.1**	**0.1**	**0.3**	**0.3**	**0.1**	**0.1**	**0.1**	**0.1**	**0.5**	**Jul-07**
$164,950	0.7	Government Stif 15	0.0	0.1	0.1	0.3	0.3	0.1	0.1	0.1	0.1	0.5	Jul-07
		Citigroup 3 Month T-Bill	**0.0**	**0.1**	**0.1**	**0.3**	**0.3**	**0.1**	**0.1**	**0.1**	**0.1**	**0.5**	
$139,443	0.6	Archstone Holdback											

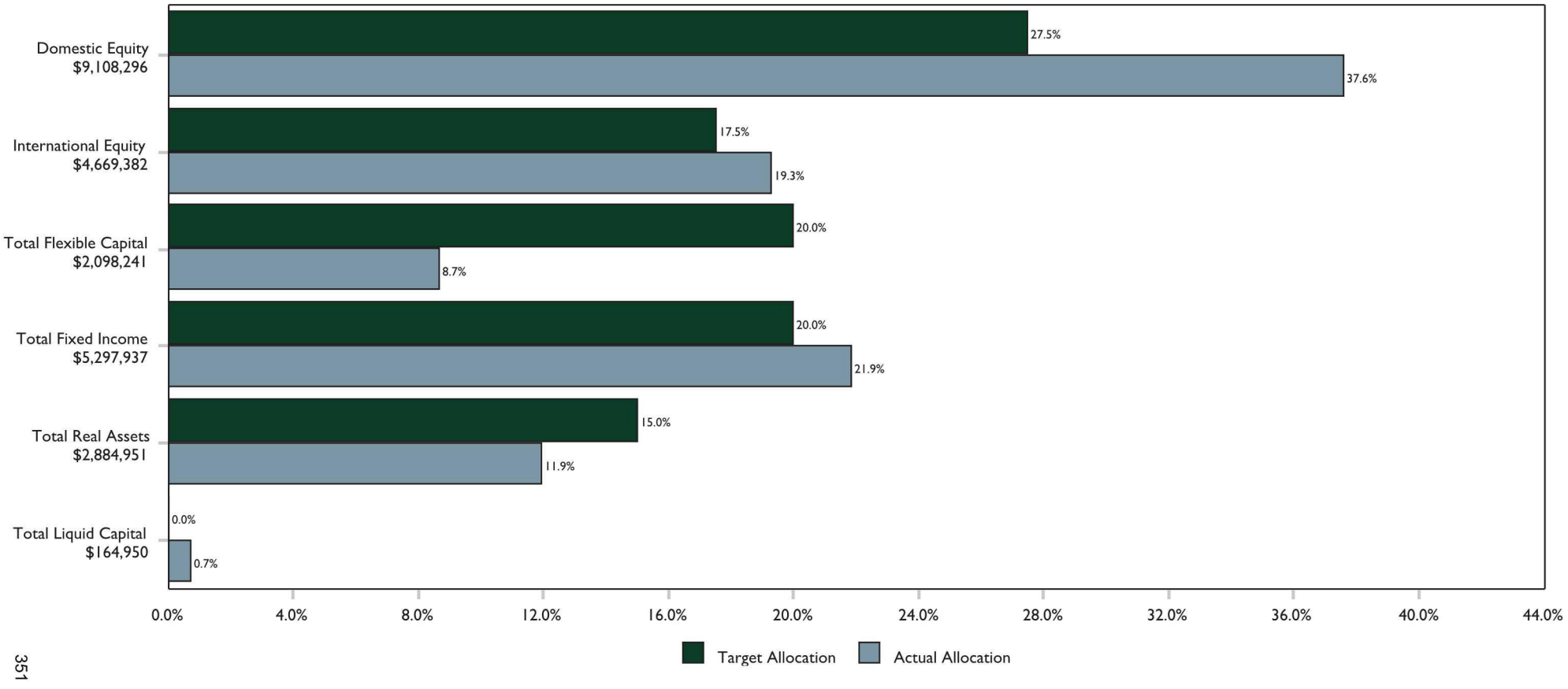
Please Note:

- Periods greater than one year are annualized
- Returns are net of investment management fees and gross of consulting fees unless otherwise stated
- Segment returns include performance of terminated managers unless otherwise stated
- Since inception returns are calculated from the first full month
- Actual Index calculated using manager allocations and index returns
- Performance and market values are subject to change based on statement availability from the investment manager/custodian
- Target Index (as of 9/01/2013): 27.5% Russell 3000 Index/ 17.5% MSCI ACWI ex USA/ 20% HFRI FOF Index/ 20% Fixed Income Composite Index/ 15% Real Assets Composite Index
- Target Index (prior to 8/31/2011): 27.5% Russell 3000 Index/ 17.5% MSCI EAFE Net Index/ 20% HFRI FOF Index/ 20% Fixed Income Composite Index/ 15% Real Assets Composite Index
- Target Index reflects the policy limitations regarding international constraints
- Real Assets Composite Index reflects manager allocations and index returns. Components have changed over time
- Fixed Income Composite Index (as of 12/01/2011): 50% Bloomberg Barclays U.S. Aggregate Index / 50% Bloomberg Barclays US Treasury: 1-5 Year Index
- Fixed Income Composite Index (prior to 11/30/2011): 50% Bloomberg Barclays Aggregate Index / 50% BOA Conv. Bond US Inv. Gr. Index
- Government Stif 15: Client specific cash performance not available. Citigroup Treasury Bill 3 Month Index is being reported
- Archstone Holdback is not included in total fund market value or performance; proceeds expected in June 2017
- Total Fund market value does not include Archstone redemption proceeds of $2,788,857
- Forester Offshore A2, Ltd.: Market value estimated using preliminary manager reported performance

Asset Allocation - Current

As of December 31, 2016

	Asset Allocation (%)	Lower (%)	Target (%)	Upper (%)	Difference (%)
Total Fund	100.0	-	100.0	-	0.0
Domestic Equity	37.6	22.5	27.5	32.5	10.1
International Equity	19.3	15.0	17.5	20.0	1.8
Total Flexible Capital	8.7	15.0	20.0	25.0	-11.3
Total Fixed Income	21.9	15.0	20.0	25.0	1.9
Total Real Assets	11.9	10.0	15.0	20.0	-3.1
Total Liquid Capital	0.7	0.0	0.0	1.0	0.7



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Town of Palm Beach

Health Insurance Trust

Preliminary as of December 31, 2016

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	7 YRS	Return Since	Inception Date
$26,872,758	**100.0**	**Total Fund**	**0.8**	**1.3**	**1.3**	**6.9**	**6.9**	**1.1**	**1.5**	**6.4**	**5.8**	**2.7**	**Jul-07**
		Target Index	1.3	1.2	1.2	7.6	7.6	2.0	2.1	5.9	5.7	3.0	Jul-07
		Actual Index	1.4	1.6	1.6	7.5	7.5	2.3	2.6	6.4	6.1	3.3	Jul-07
		60% MSCI AC World Index/ 40% Blbg BC Global Aggregate Index	1.1	-2.2	-2.2	5.7	5.7	1.5	1.9	5.8	5.2	3.3	Jul-07
		55% Russell 3000 Index/ 15% MSCI EAFE Index/ 30% Blbg BC Global Aggregate Index	1.4	0.0	0.0	7.9	7.9	3.5	4.4	9.1	8.3	4.9	Jul-07
		Consumer Price Index	0.0	0.0	0.0	2.1	2.1	1.4	1.2	1.4	1.6	1.6	Jul-07
$13,777,678	**51.3**	**Global Equity**	**1.7**	**2.3**	**2.3**	**8.3**	**8.3**	**2.2**	**3.6**	**11.4**	**9.1**	**3.3**	**Jul-07**
$9,108,296	**33.9**	**Domestic Equity**	**1.8**	**4.8**	**4.8**	**13.4**	**13.4**	**5.9**	**7.5**	**13.9**	**11.8**	**4.9**	**Jul-07**
		Russell 3000 Index	**2.0**	**4.2**	**4.2**	**12.7**	**12.7**	**6.4**	**8.4**	**14.7**	**12.9**	**6.7**	
$6,433,219	23.9	Fidelity Total Market Index Fund Premium Class	2.0	4.2	4.2	12.7	12.7	6.4	8.4	14.6	12.9	6.7	Jul-07
		Wilshire 5000 Index	**1.9**	**4.3**	**4.3**	**13.0**	**13.0**	**6.2**	**8.1**	**14.5**	**12.9**	**6.8**	
$1,259,825	4.7	FPA Crescent Fund	1.2	4.5	4.5	10.3	10.3	3.9	4.8	NA	NA	8.2	Apr-12
		S&P 500 Index	**2.0**	**3.8**	**3.8**	**12.0**	**12.0**	**6.5**	**8.9**	**14.7**	**12.8**	**12.6**	
		60% Russell 2500 / 40% Blbg BC Global Credit	**1.4**	**2.2**	**2.2**	**12.9**	**12.9**	**4.7**	**4.9**	**10.1**	**9.9**	**8.6**	
		HFRI Equity Hedge (Total) Index	**0.8**	**1.3**	**1.3**	**5.5**	**5.5**	**2.2**	**2.1**	**5.5**	**4.1**	**4.3**	
$1,415,252	5.3	FMI Common Stock Fund	1.8	7.9	7.9	20.2	20.2	5.8	6.0	NA	NA	10.0	Apr-12
		Russell 2500 Index	**1.9**	**6.1**	**6.1**	**17.6**	**17.6**	**6.9**	**6.9**	**14.5**	**13.6**	**12.4**	
$4,669,382	**17.4**	**International Equity**	**1.4**	**-2.2**	**-2.2**	**-0.4**	**-0.4**	**-4.1**	**-2.8**	**7.3**	**4.6**	**0.6**	**Jul-07**
		MSCI AC World ex USA (Net)	**2.6**	**-1.3**	**-1.3**	**4.5**	**4.5**	**-0.7**	**-1.8**	**5.0**	**2.9**	**-0.2**	
		MSCI EAFE (Net)	**3.4**	**-0.7**	**-0.7**	**1.0**	**1.0**	**0.1**	**-1.6**	**6.5**	**3.8**	**-0.3**	
$2,593,246	9.7	Dodge & Cox International Stock Fund	2.4	3.4	3.4	8.3	8.3	-2.0	-1.3	8.0	5.0	1.0	Jul-07
		MSCI AC World ex USA (Net)	**2.6**	**-1.3**	**-1.3**	**4.5**	**4.5**	**-0.7**	**-1.8**	**5.0**	**2.9**	**-0.2**	
$2,076,136	7.7	Artisan International Institutional Fund	0.0	-8.4	-8.4	-9.4	-9.4	-6.6	-4.7	6.4	NA	3.3	Jul-11
		MSCI EAFE (Net)	**3.4**	**-0.7**	**-0.7**	**1.0**	**1.0**	**0.1**	**-1.6**	**6.5**	**3.8**	**2.5**	

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary as of December 31, 2016

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	7 YRS	Return Since	Inception Date
$2,097,829	**7.8**	**Total Flexible Capital**	**0.7**	**1.6**	**1.6**	**0.9**	**0.9**	**-1.0**	**0.0**	**4.3**	**3.6**	**2.7**	**Jul-07**
		HFRI Fund of Funds Composite Index	**1.1**	**1.1**	**1.1**	**0.7**	**0.7**	**0.2**	**1.3**	**3.5**	**2.4**	**0.6**	
$2,097,829	7.8	Forester Offshore A2, Ltd.	0.6	1.2	1.2	-1.5	-1.5	-0.6	1.5	5.7	4.4	4.0	Jul-07
		HFRI FOF: Strategic Index	**0.6**	**0.2**	**0.2**	**-0.1**	**-0.1**	**-0.3**	**0.8**	**3.7**	**2.4**	**0.4**	
$5,297,937	**19.7**	**Total Fixed Income**	**0.2**	**-2.0**	**-2.0**	**1.7**	**1.7**	**1.2**	**1.8**	**1.8**	**2.6**	**2.9**	**Jul-07**
		Fixed Income Composite Index	**0.1**	**-2.1**	**-2.1**	**1.8**	**1.8**	**1.3**	**2.0**	**1.5**	**2.5**	**3.3**	
$2,950,948	11.0	Vanguard Total Bond Market Index Fund Adm	0.3	-3.2	-3.2	NA	NA	NA	NA	NA	NA	-3.2	Oct-16
		Blbg Barc U.S. Aggregate Float Adjusted	**0.2**	**-3.1**	**-3.1**	**2.8**	**2.8**	**1.6**	**3.0**	**2.2**	**3.6**	**-3.1**	
$2,346,989	8.7	Vanguard Short Term US Treasury Admiral Fund	0.1	-0.6	-0.6	1.2	1.2	0.9	0.9	0.7	NA	0.7	Dec-11
		Blbg Barc U.S. Treasury: 1-5 Year	**0.0**	**-1.2**	**-1.2**	**1.0**	**1.0**	**1.0**	**1.0**	**0.8**	**1.6**	**0.8**	
$2,884,951	**10.7**	**Total Real Assets**	**-1.6**	**2.6**	**2.6**	**23.8**	**23.8**	**-1.6**	**-5.8**	**-3.4**	**0.4**	**-5.0**	**Jul-07**
		Real Assets Composite Index	**0.8**	**3.1**	**3.1**	**18.5**	**18.5**	**-1.0**	**-4.3**	**-1.9**	**1.6**	**-0.5**	
$786,873	2.9	Vanguard Short-Term Inflation Protected Securities Adm. Fund	0.3	-0.2	-0.2	2.7	2.7	1.3	NA	NA	NA	0.3	Mar-14
		Bloomberg Barclays U.S. Treasury: 0-5 Year TIPS	**0.3**	**-0.3**	**-0.3**	**3.1**	**3.1**	**1.4**	**0.6**	**0.5**	**1.5**	**0.4**	
$505,971	1.9	Nuveen Gresham Diversified Commodities Fund	1.9	4.1	4.1	10.9	10.9	-9.2	NA	NA	NA	-9.2	Jan-15
		Bloomberg Commodity Index	**1.8**	**2.7**	**2.7**	**11.7**	**11.7**	**-8.2**	**-11.3**	**-9.0**	**-6.3**	**-8.2**	
$1,592,107	5.9	Van Eck Global Hard Assets I Fund	-3.6	3.5	3.5	43.7	43.7	-2.0	-8.1	NA	NA	-3.8	Apr-12
		S&P North American Natural Res Sector Index (TR)	**0.7**	**5.0**	**5.0**	**30.9**	**30.9**	**-0.4**	**-3.7**	**1.3**	**2.9**	**0.4**	

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Health Insurance Trust

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$2,814,364	**10.5**	**Total Liquid Capital**	**0.0**	**0.1**	**0.1**	**0.3**	**0.3**	**0.1**	**0.1**	**0.1**	**0.1**	**0.5**	**Jul-07**
$164,950	0.6	Government Stif 15	0.0	0.1	0.1	0.3	0.3	0.1	0.1	0.1	0.1	0.5	Jul-07
		Citigroup 3 Month T-Bill	**0.0**	**0.1**	**0.1**	**0.3**	**0.3**	**0.1**	**0.1**	**0.1**	**0.1**	**0.5**	
$2,649,414	9.9	Cash in Transit											
$139,443	0.5	Archstone Holdback											

Please Note:

- Periods greater than one year are annualized
- Returns are net of investment management fees and gross of consulting fees unless otherwise stated
- Segment returns include performance of terminated managers unless otherwise stated
- Since inception returns are calculated from the first full month
- Actual Index calculated using manager allocations and index returns
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- Target Index (as of 9/01/2013): 27.5% Russell 3000 Index/ 17.5% MSCI ACWI ex USA/ 20% HFRI FOF Index/ 20% Fixed Income Composite Index/ 15% Real Assets Composite Index
- Target Index (prior to 8/31/2011): 27.5% Russell 3000 Index/ 17.5% MSCI EAFE Net Index/ 20% HFRI FOF Index/ 20% Fixed Income Composite Index/ 15% Real Assets Composite Index
- Target Index reflects the policy limitations regarding international constraints
- Real Assets Composite Index reflects manager allocations and index returns. Components have changed over time
- Fixed Income Composite Index (as of 12/01/2011): 50% Bloomberg Barclays U.S. Aggregate Index / 50% Bloomberg Barclays US Treasury: 1-5 Year Index
- Fixed Income Composite Index (prior to 11/30/2011): 50% Bloomberg Barclays Aggregate Index / 50% BOA Conv. Bond US Inv. Gr. Index
- Government Stif 15: Client specific cash performance not available. Citigroup Treasury Bill 3 Month Index is being reported
- Archstone Holdback is not included in total fund market value or performance; proceeds expected in June 2017
- Cash in Transit: Market value reflects proceeds from full liquidation of Archstone
- Forester Offshore A2, Ltd.: Market value estimated using preliminary manager reported performance

Investment Advisory Committee Schedule 2017

Meeting Date:	Presentations/Business:
Friday, February 17, 2017 2:30 P.M. Town Council Chambers	OPEB Trust Investment Consultant PFM Asset Management Fiduciary Liability Policy Renewal Annual Report to the Town Council Actuarial report
Friday, May 19, 2017 2:30 P.M. Town Council Chambers	OPEB Trust Investment Consultant PFM Asset Management Florida League of Cities (FMIvT) Election of Chairman and Vice Chairman
Friday, August 18, 2017 2:30 P.M. Town Council Chambers	OPEB Trust Investment Consultant PFM Asset Management
Friday, November 17, 2017 2:30 P.M. Town Council Chambers (Fiscal Year End Presentations)	OPEB Trust Investment Consultant (Investment Policy and Asset Allocation Review) PFM Asset Management Florida League of Cities (FMIvT)

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Committee Reports

Agenda Title
Report of the Ordinances, Rules, & Standards Committee Meeting of Janaury 12, 2017

Presenter
Bobbie Lindsay, Chair

ATTACHMENTS:

- **Report of the Ordinances, Rules, & Standards Committee Meeting Held on January 12, 2017**

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, JANUARY 12, 2017

I. CALL TO ORDER AND ROLL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on January 12, 2017, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the Committee Members were found to be present.

II. APPROVAL OF AGENDA

Chair Lindsay announced that the Potential Modification of Town Code, Relative to Landscape Maintenance Hours and The Regulation of Leaf Blowers will be reviewed as separate items because they were given to The Committee as separate items.

Motion was made by Committee Member Moore, and seconded by Chair Lindsay, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS - *None*

IV. REGULAR AGENDA

A. Old Business

1. Regulation of Vehicles for Hires, Including Internet-Based Ride Sharing Programs
   John C. Randolph, Town Attorney

   Town Attorney Randolph provided a report on the Town's efforts to prepare a "Vehicles for Hire" ordinance that it is consistent with Palm Beach County's ordinance but also regulates the number of permits allowed within the Town. Mr. Randolph also reported that the pending litigation against Palm Beach County by the limo and taxi companies did not have any impact on the County's Ordinance and requested to bring back a draft ordinance that addresses both issues at a later date.

It was the consensus of the ORS Committee to direct Staff to prepare an ordinance that is consistent with the County's ordinance and continues to limit the number of permits within the Town to be presented at the March 2, 2017, ORS Meeting.

2. Potential Modification of Town Code, Relative to Landscape Maintenance Hours
John C. Randolph, Town Attorney; Nick Caristo, Police Captain; Ben Alma, Code Enforcement Manager

Chair Lindsay provided some historic background on how the regulation of landscape maintenance hours came under review by the ORS Committee.

Discussion ensued regarding the difference between noise from construction equipment versus lawn maintenance, making the landscape hours consistent all year round, clarification of the days and time for maintenance being proposed, including power washers in the definition, ordinance included construction, including residents in the ordinance, encouraging neighbors to be helpful and cooperative with reporting code violations for landscape issues and reporting issues to Code Enforcement.

Joyce Vaughn, 112 Algoma Road, spoke in support of the regulation and the inclusion of power washers in the ordinance.

Julie Araskog, 1420 Via Manana, spoke in support of making the landscape maintenance hours consistent all year round.

Scott Lewis, Scott Lewis Gardening and Trimming, Inc. spoke in support of the landscape hours being consistent but was not supportive of the hours being different from the construction companies, requested that the landscaping company be able to help with the language that goes into the ordinance, the fine language be included in the ordinance, and that the ordinance be enforced to all companies.

Deputy Town Manager Boodheshwar, spoke regarding the existing landscaping hours, summarized what was being proposed to Town Council, and the feedback from the community in support and opposed to this issue.

Ben Alma, Code Enforcement Manager, confirmed that the Town does give warnings and tickets to all landscapers that violate the code, including the Town's contractors, spoke regarding the reasons for only issuing warnings, provided the direct contact line for police dispatch for reporting issues that arise, issues with leaves blowing into the storm drains.

Kurt Carlson, Armstrong Landscaping Group, spoke regarding the challenges with the new landscape hours and the difficulties with contacting Code Enforcement when issues arise.

It was the consensus of the ORS Committee to direct Staff to prepare an ordinance defining the annual operation of landscape maintenance equipment as follows:

- **YEAR ROUND from Monday – Friday, the allowable work hours are 9:00 a.m. to 5:00 p.m. for all equipment, such as blowers, mowers, etc.**
- **On Saturdays, the allowable work hours are 9:00am to Noon with only quiet work to be allowed outside of the hours permitted.**
- **No landscaping work is allowed on Sundays or Federal holidays, including the day after Thanksgiving year-round.**
- **After the ordinance is drafted, it will be provided to Armstrong Landscaping and Scott Lewis Landscaping as a courtesy before going to Town Council.**

3. Potential Modification to Town Code, Relative to the Regulation of Leaf Blowers.
John C. Randolph, Town Attorney; Nick Caristo, Police Captain; Ben Alma, Code Enforcement Manager

Deputy Town Manager Boodheshwar, provided an overview of the motivation for this topic such as noise, particulates, emissions, and debris in the storm drains.

Ben Alma, Code Enforcement Manager, presented research on regulations of leaf blowers across the country and in neighborhoods with similar density, year-round landscaping seasons and socio-economic level as Palm Beach. California towns and cities who banned blowers altogether such as Laguna Beach, Newport Beach, Hermosa Beach, Carmel by the Sea, and Santa Barbara were discussed. In other areas alternatives being used for gas powered leaf blowers, regulations examples of partial bans, , gas powered only bans, and use of electric powered leaf blowers.

Eric Brown, Public Works Assistant Director, spoke regarding the Town's purchase and successful use of electric leaf blowers.

Donna Daniele, 401 Peruvian Avenue, spoke in support of finding an alternative to using the leaf blowers such as alternating days and what is realistic on code enforcement.

Joyce Vaughn, 112 Algoma Road, spoke in support of banning leaf blowers.

Julie Araskog, 1490 Via Manana, spoke regarding enforcing companies to turn off blowers when pedestrians are walking by.

Scott Lewis, Scott Lewis Gardening and Trimming, Inc., spoke regarding his opposed view on banning/restricting leaf blowers, gave comparisons on decibel levels of gas powered and electric powered leaf blowers, and discrimination towards landscaping companies while not holding construction companies to the same standards.

Lou Guyott, 149 Everglade Avenue, spoke in support of banning leaf blowers and his belief that Palm Beach should take the lead on this issue.

Discussion ensued regarding the public's input on a total ban on leaf blowers and sending the discussion to Town Council.

It was the consensus of the Committee to send this matter to Town Council for further discussion and to direct Staff and the Town Attorney to prepare a memo to supplement ORS' report to Town Council recommending the ban of leaf blowers.

4. Review Potential Designation of Mooring and Anchoring Areas within the Jurisdictional Boundaries of the Town
(Jay Boodheshwar, Deputy Town Manager)

Deputy Town Manager Boodheshwar provided some historical background on this matter and spoke regarding the pros and cons of having a mooring field, challenges to the police marine unit encounters, cost of building and maintaining the field, liability issues, the need for public pump out stations and safety.

Discussion ensued regarding concerns with having a mooring field, not having the infrastructure, cost of building and maintaining, policing the field, and how the issue came to the committee.

Mick Keeham, Police Captain, spoke regarding mooring structures in the intracoastal and state legal regulations.

Perrie Lawyerson, 231 Osceola way, spoke regarding correcting the statutes in the difference between floating structures and vessels, also commented on the different jurisdictions between the lake and the intracoastal.

It was the consensus of the Committee to not make a recommendation to Town Council at this time.

B. New Business

1. None

V. ANY OTHER MATTERS - *None*

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee meeting of Thursday, January 12, 2017 was adjourned at 10:30 a.m.

APPROVED:

_____
Bobbie Lindsay
Chair

ATTEST:

_____
Susan A. Owens, MPA, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Recreation Center and Seaview Park Improvements
Beth Zickar, Director of Recreation
TIME CERTAIN: 10:30 A.M.

a. Business Plan Update

b. RESOLUTION NO. 22-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving a Purchase Order in the amount of $33,088 to Hedrick Brothers Construction, Inc., for Pre-Construction Phase Services for the Seaview Park and Palm Beach Recreation Center Improvements and Establishing a Pre-Construction Phase Budget of $80,000.

Presenter
Beth Zickar, Director of Recreation

ATTACHMENTS:

- **Memorandum Dated January 30, 2017 From Beth Zickar, Director of Recreation**
- **Recreation Center Business Plan**
- **Memorandum Dated February 2, 2017 from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution 22--2017 Pre-Construction Phase Services for Seaview Park and Palm Beach Recreation Center Improvements**
- **Pre-Construction Services Agreement**
- **Pre-Construction Proposal - Task 1**
- **Pre-Construction Proposal - Task 2**
- **Email dated February 8, 2017, from Anne Pepper**
- **Email dated February 8, 2017, from Susan Watts**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Beth Zickar, Director of Recreation

Re: Recreation Center Business Plan Final Report

Date: January 30, 2017

STAFF RECOMMENDATION

Staff requests that Town Council review the Business Plan regarding the proposed one-story recreation center and improvements to Seaview Park project and provide direction to staff as necessary.

GENERAL INFORMATION

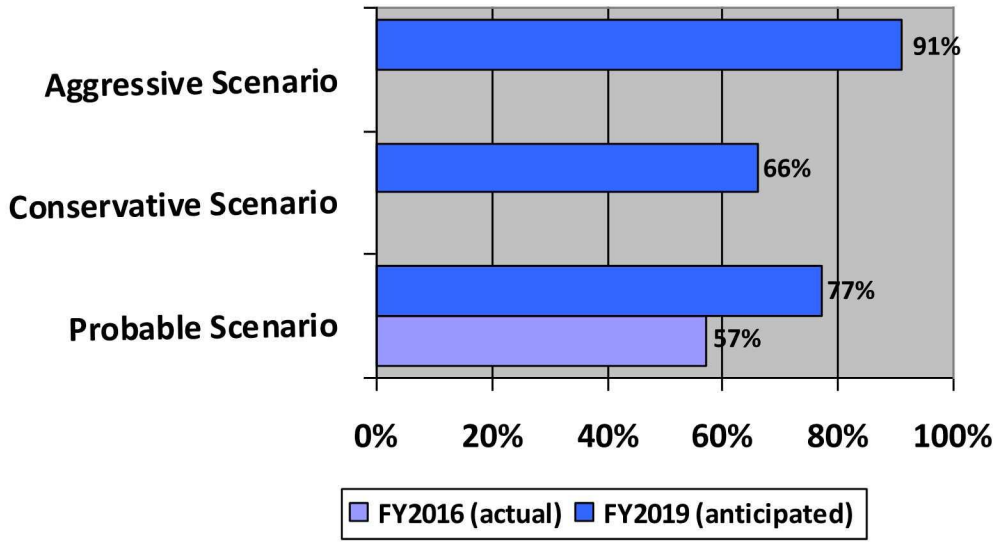
The preparation of the Business Plan for the proposed Recreation Center and Seaview Park improvements allowed for the creation of a document which guides the initial development of a fiscally sound operational plan. The data analysis provides a foundation from which goals can be established, presents a tactical approach to accomplishing these goals, expected results looking at a variety of scenarios and needed resources.

Ballard*King & Associates, Inc., was contracted to complete this study. This firm, a national leader in recreation facility management, with over 50 combined years of collegiate, public, non-profit and private sector, has completed over 500 projects in 48 states. Ken Ballard, C.P.R.P., President and founding partner of Ballard*King & Associates, Inc., was the lead consultant on this project. Mr. Ballard has over 35 years of experience in recreation facility operations and planning. He has completed more than 250 recreation planning, feasibility and operations consulting projects.

Managing revenues and expenditures is an important part of developing a sustainable program. The operations analysis provides an illustrative picture of possible functional alternatives. This process thoughtfully identified three operational scenarios: probable, conservative and aggressive. Each option included an evaluation of facility operating hours, proposed fee schedule, staffing recommendations, anticipated expenditures and projected revenues.

The Business Plan demonstrates that the financial situation of the proposed new one-story Recreation Center improves in each of the three scenarios, when compared to previous fiscal year budgetary expenditures/revenues for the existing recreation center. The financial operational efficiency of the proposed new recreation center demonstrates an increase in cost recovery over

the current recreation center from 9% to 34%, in each of the scenarios. Specifically, the conservative scenario anticipates a 66% cost recovery, the probable scenario a 77% cost recovery and the aggressive scenario a 91% cost recovery. The chart below provides graphic representation of the cost recovery improvements each of the scenarios would generate:



Staff has thoroughly reviewed the Business Plan's three financial assessments of the proposed new recreation center and improvements to Seaview Park and feel they are achievable and would assist in moving toward financial sustainability, while also meeting the needs of the community today and into the future.

FUNDING/FISCAL IMPACT

The Business Plan was funded by the Friends of Recreation. Financial projections demonstrate an improvement in the cost recovery for the proposed new recreation center when compared to the fiscal analysis of previous fiscal years, for the existing facility.

TOWN ATTORNEY REVIEW

Review and approval by the Town Attorney for legal form and sufficiency is not necessary.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Jane Struder, Director of Finance
John C. Randolph, Town Attorney

Recreation Center Business Plan

Final Report
January 23, 2017





BALLARD*KING & ASSOCIATES LTD

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Section	**II**	**Market Review**	4
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Section I – Executive Summary

The following is a brief summary of the information contained in the body of the Town of Palm Beach Recreation Center Business Plan.

Market Review: The following summarizes the demographic characteristics of the Town of Palm Beach.

- Palm Beach has a relatively small permanent population base but there is a significant number of seasonal residents as well. The population is expected to continue to grow over the next five years as indicated by census data illustrated in Table A.

- Palm Beach has a reasonably small household size and the median age is much older than the state and national numbers.

- Palm Beach has a very high median household income level and as a result has a very high Recreation Spending Potential Index.

- There are far fewer households with children than the state percentage. However, this does not account for seasonal residents, visitors or grandchildren.

- There is very little diversity in the community with the predominate race being white.

The existing Palm Beach Recreation Center is an older building that is no longer considered a state of the art facility. It has had a decidedly passive use focus with an emphasis on youth. Looking to the future, the Palm Beach community could benefit from an improved and expanded facility that will be able to offer more diverse recreation, sports and fitness offerings. Considering the demographic characteristics of the town, the center could also have an appeal to adults and serve as a true community based facility.

Operations Analysis: Three possible operations scenarios have been developed for the Recreation Center.

Probable – This scenario represents the most likely operational budget for the recreation center.

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 313,294	$ 984,372
Revenues	$ 332,418	$ 425,305	$ 757,723
Difference	$ (338,660)	$ 112,011	$ (226,649)
Recovery %	50%	136%	77%

Conservative – This scenario takes a very conservative approach to estimating revenues than the Probable option.

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 286,962	$ 958,040
Revenues	$ 332,418	$ 299,998	$ 632,416
Difference	$ (338,660)	$ 13,036	$ (325,624)
Recovery %	50%	105%	66%

Aggressive – This scenario takes a much more aggressive approach to estimating revenues than the Probable option.

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 339,626	$ 1,010,704
Revenues	$ 332,418	$ 582,957	$ 915,375
Difference	$ (338,660)	$ 243,331	$ (95,329)
Recovery %	50%	172%	91%

Benchmark Study: A benchmark study of three other similar recreation centers in communities with comparable demographics to Palm Beach was completed. These agencies included:

- Key Biscayne, Florida
- Mercer Island, Washington
- Snowmass Village, Colorado

Information was gathered about the facility itself, the community it is in, its operational characteristics, staffing plan, programs and services offered, and the operating budget of the center.

Section II – Market Review

Ballard*King & Associates (B*K) was contracted to develop a business plan for the proposed new Recreation Center in the Town of Palm Beach. The following is a summary of the key demographic indicators of the Town.

B*K accesses demographic information from Environmental Systems Research Institute (ESRI) who utilizes 2010 Census data and their own demographers for 2016-2021 projections. In addition to demographics ESRI also provides data on housing, recreation and entertainment spending and adult participation in activities. B*K receives no financial gain by citing these sources or using their services.

Service Area: The service area for the business plan is the Town of Palm Beach proper with comparison data from the State of Florida and the United States.

Table A – Service Area Comparison Chart:

	Town of Palm Beach
Population:	
2010 Census	8,348[1]
2016 Estimate	8,590
2021 Estimate	8,952
Households:	
2010 Census	4,799
2016 Estimate	4,885
2021 Estimate	5,069
Average Household Size:	
2010 Census	1.74
2016 Estimate	1.76
2021 Estimate	1.77
Ethnicity (2016 Estimate):[2]	
Hispanic	5.2%
White	96.8%
Black	0.8%
American Indian	0.02%
Asian	1.3%
Pacific Islander	0.0%
Other	0.4%
Multiple	0.7%
Median Age:	
2010 Census	67.4
2016 Estimate	68.2
2021 Estimate	69.4
Median Income:	
2016 Estimate	$104,107
2021 Estimate	$113,357

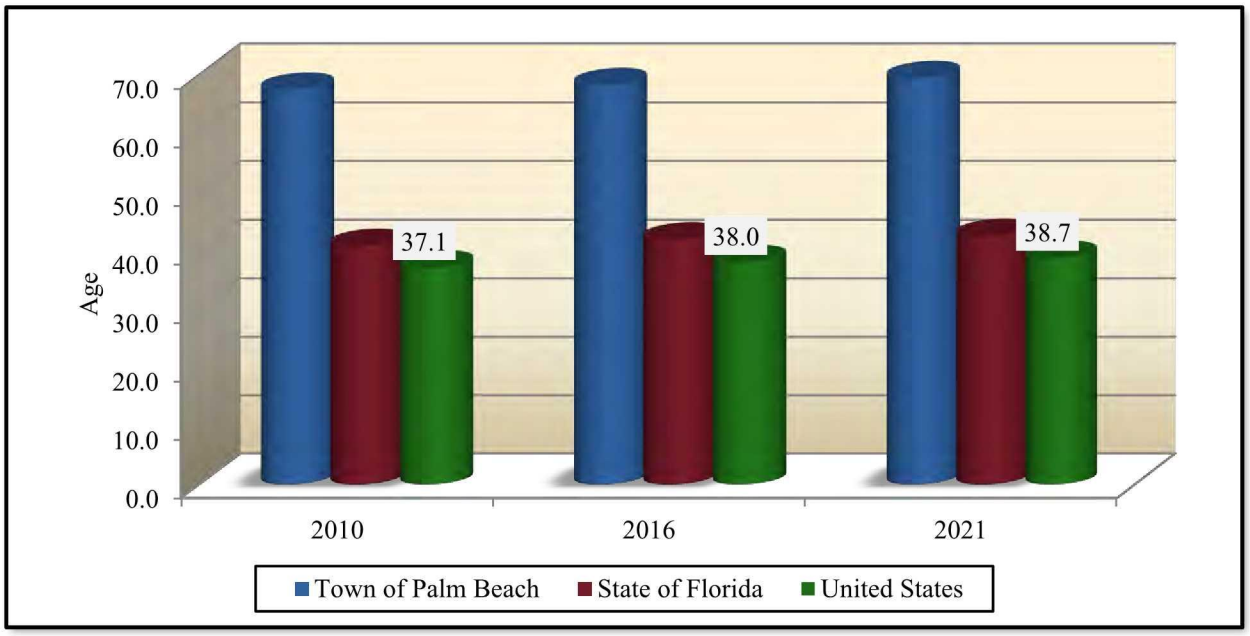
[1] From the 2000-2010 Census the Town of Palm Beach experienced a 7.9% decrease in population.
[2] The total for ethnicity will add up to more than 100% as Hispanics are also part of the other races listed.

Age and Income: It is important to compare the median age and median household income levels to the state and national levels. Age and income are primary determiners of participation in recreation activities. The lower the median age, the higher the participation rates are for most activities. The level of participation also increases as the median income level goes up.

Table B – Median Age:

	2010 Census	2016 Projection	2021 Projection
Town of Palm Beach	67.4	68.2	69.4
State of Florida	40.8	41.9	42.5
United States	37.1	38.0	38.7

Chart A – Median Age:



The median age in the Town of Palm Beach is significantly higher than the State of Florida and the National number. A higher median age points to a service area with older individuals (retirees) and families with older or no children.

Households with Children: The following chart provides the number of households and percentage of households in the Town of Palm Beach with children.

Table C – Households w/ Children in 2016

	Number of Households w/ Children	Percentage of Households w/ Children
Town of Palm Beach	340	7.1%

The information contained in this table outlines the presence of families with children. As a point of comparison in the 2010 Census, 29.8% of households in the State of Florida had children present. However, this does not account for seasonal residents, visitors or grandchildren.

Map A – Median Age by Census Block Group

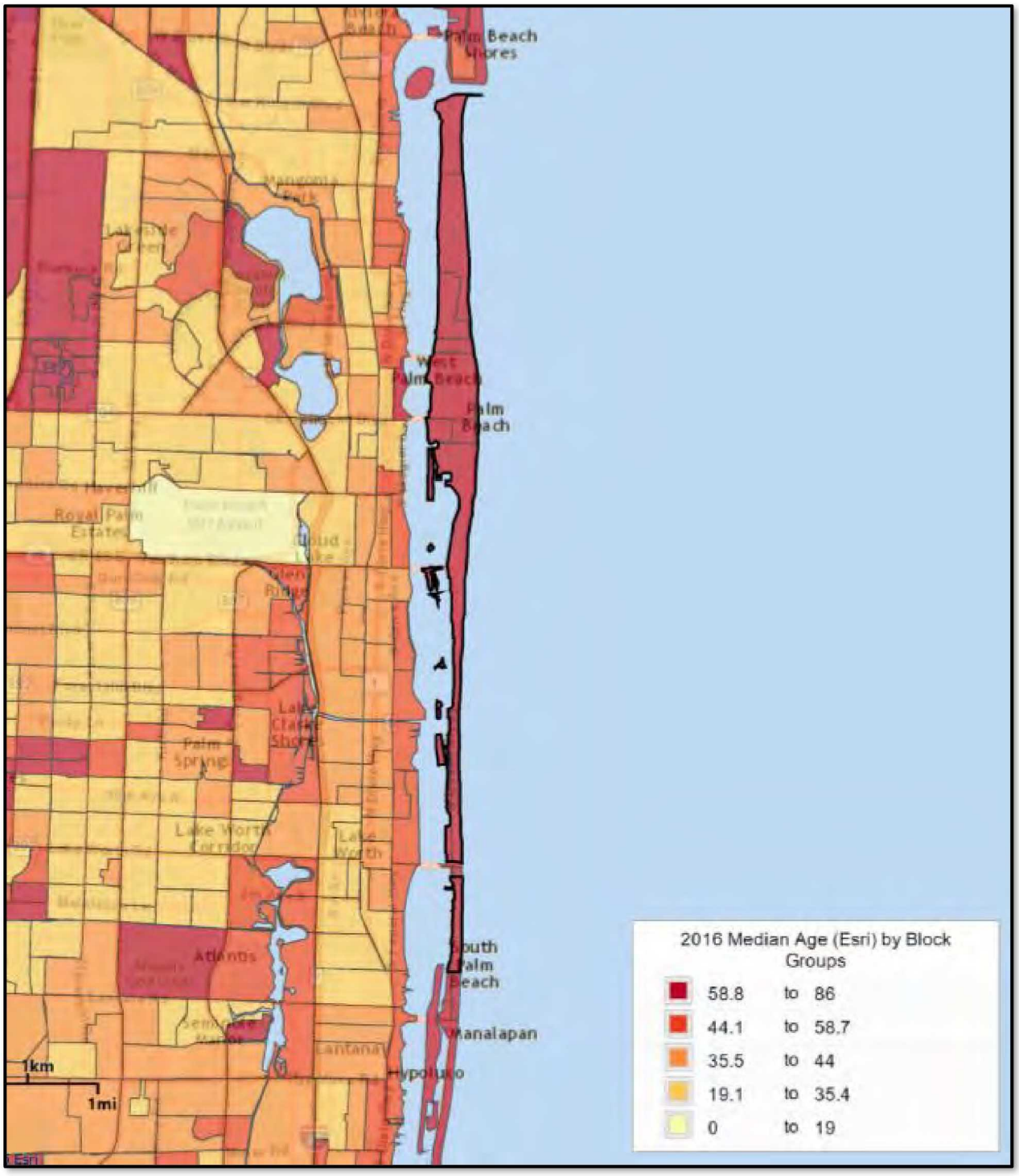
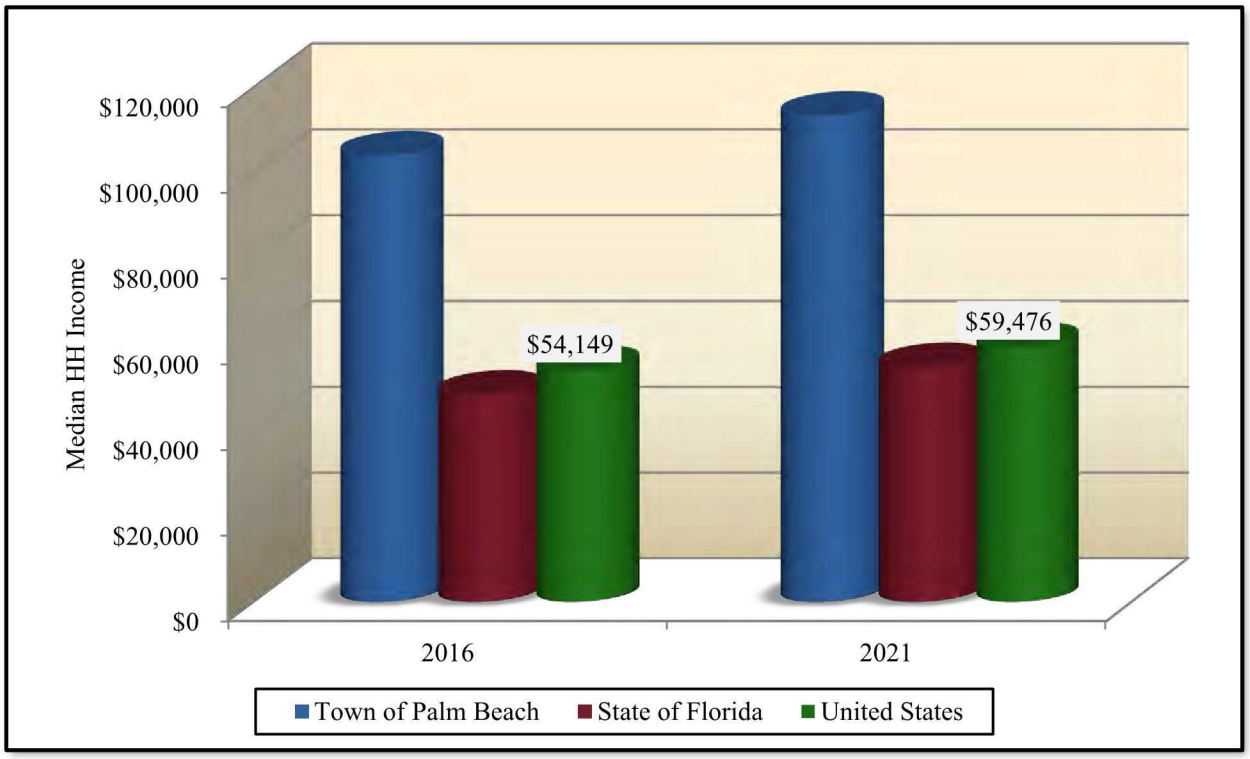


Table D – Median Household Income:

	2016 Projection	2021 Projection
Town of Palm Beach	$104,107	$113,357
State of Florida	$48,377	$54,799
United States	$54,149	$59,476

Chart B – Median Household Income:

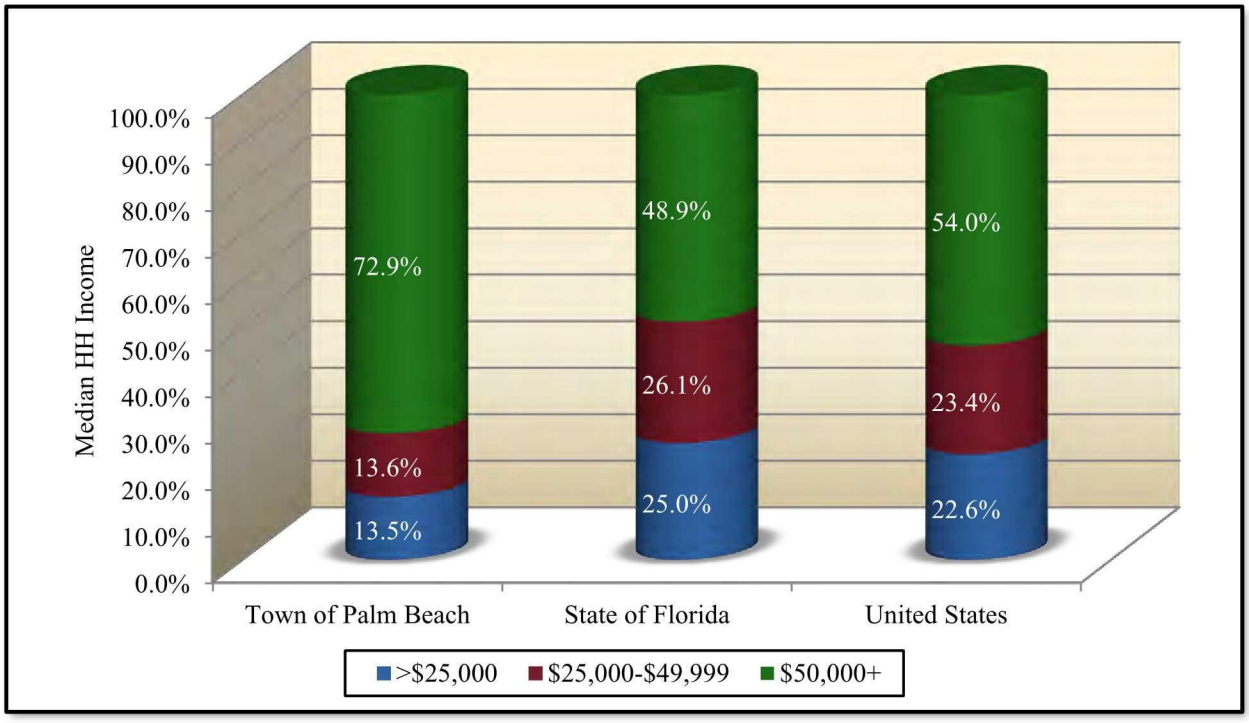


Based upon 2016 projections for median household income the following narrative is available:

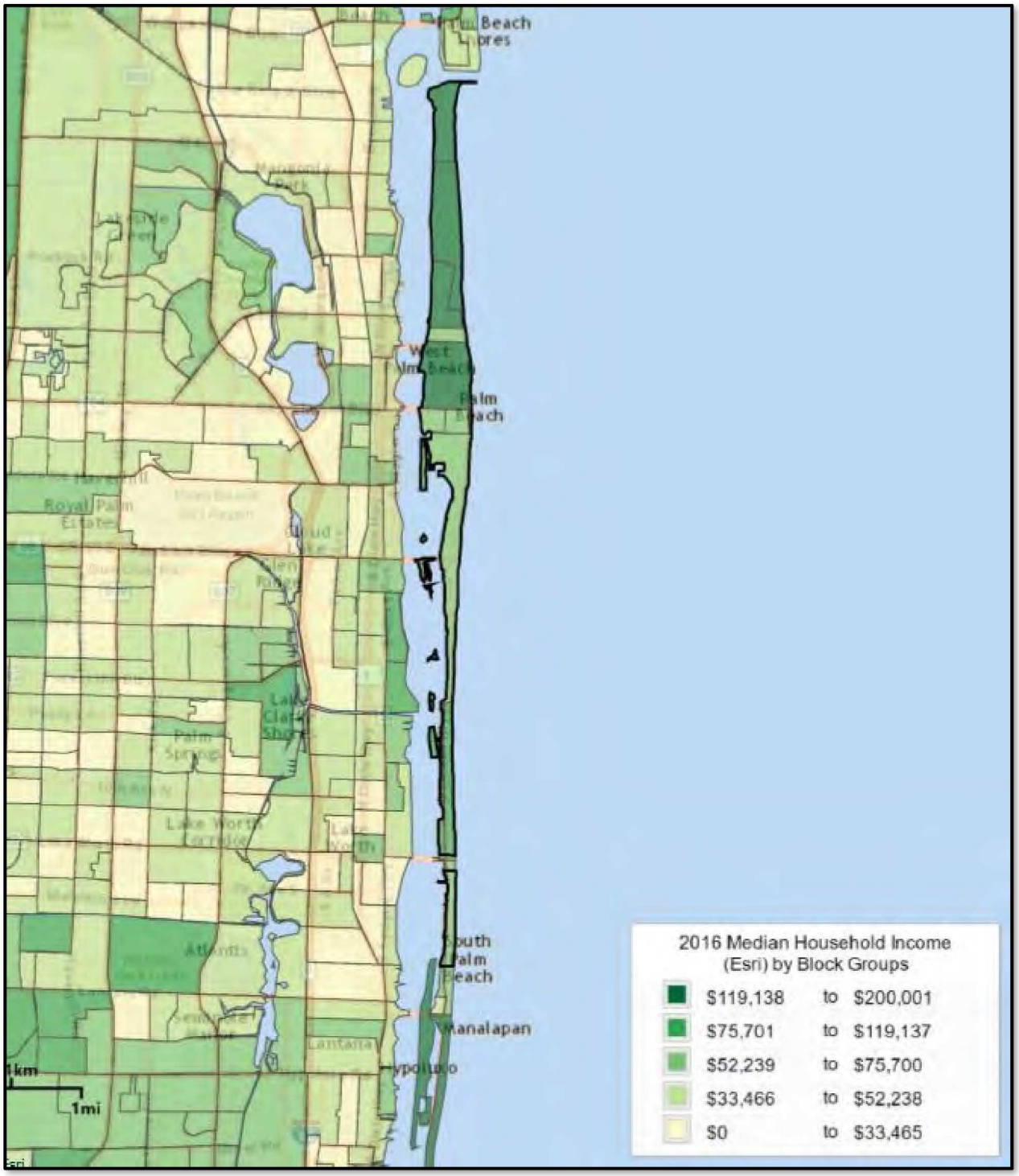
In the Town of Palm Beach, the percentage of households with median income over $50,000 per year is 72.9% compared to 48.9% in Florida. Furthermore, the percentage of the households in the Town with median income less than $25,000 per year is 13.5% compared to a level of 25.0% in Florida.

The median income in the Town of Palm Beach is significantly greater than the State of Florida and the United States. While there is no perfect indicator of use of an indoor recreation facility, the percentage of households with more than $50,000 median income is a key indicator. Therefore, those numbers are significant and must be balanced with the overall cost of living.

Chart C – Median Household Income Distribution



Map B – Median Household Income by Census Block Group



Household Budget Expenditures: In addition to studying Median Age and Median Income, it is important to examine Household Budget Expenditures. Looking at housing information; shelter, utilities, fuel, and public services along with entertainment & recreation can provide a snapshot into the cost of living and spending patterns in the Town. The table below looks at that information and compares the Town of Palm Beach and the State of Florida.

Table E – Household Budget Expenditures[3]:

Town of Palm Beach	SPI	Average Amount Spent	Percent
Housing	207	$42,297.62	30.6%
Shelter	*206*	*$32,007.58*	*23.2%*
Utilities, Fuel, Public Service	*211*	*$10,290.04*	*7.4%*
Entertainment & Recreation	212	$6,168.78	4.5%

State of Florida	SPI	Average Amount Spent	Percent
Housing	91	$18,618.57	31.0%
Shelter	*91*	*$14,134.03*	*23.5%*
Utilities, Fuel, Public Service	*92*	*$4,484.54*	*7.5%*
Entertainment & Recreation	91	$2,641.49	4.4%

SPI: Spending Potential Index as compared to the National number of 100.

Average Amount Spent: The average amount spent per household.

Percent: Percent of the total 100% of household expenditures.

Note: Shelter along with Utilities, Fuel, Public Service are a portion of the Housing percentage.

[3] Consumer Spending data are derived from the 2004 and 2005 Consumer Expenditure Surveys, Bureau of Labor Statistics. ESRI forecasts for 2016 and 2021.

Chart D – Household Budget Expenditures Spending Potential Index:

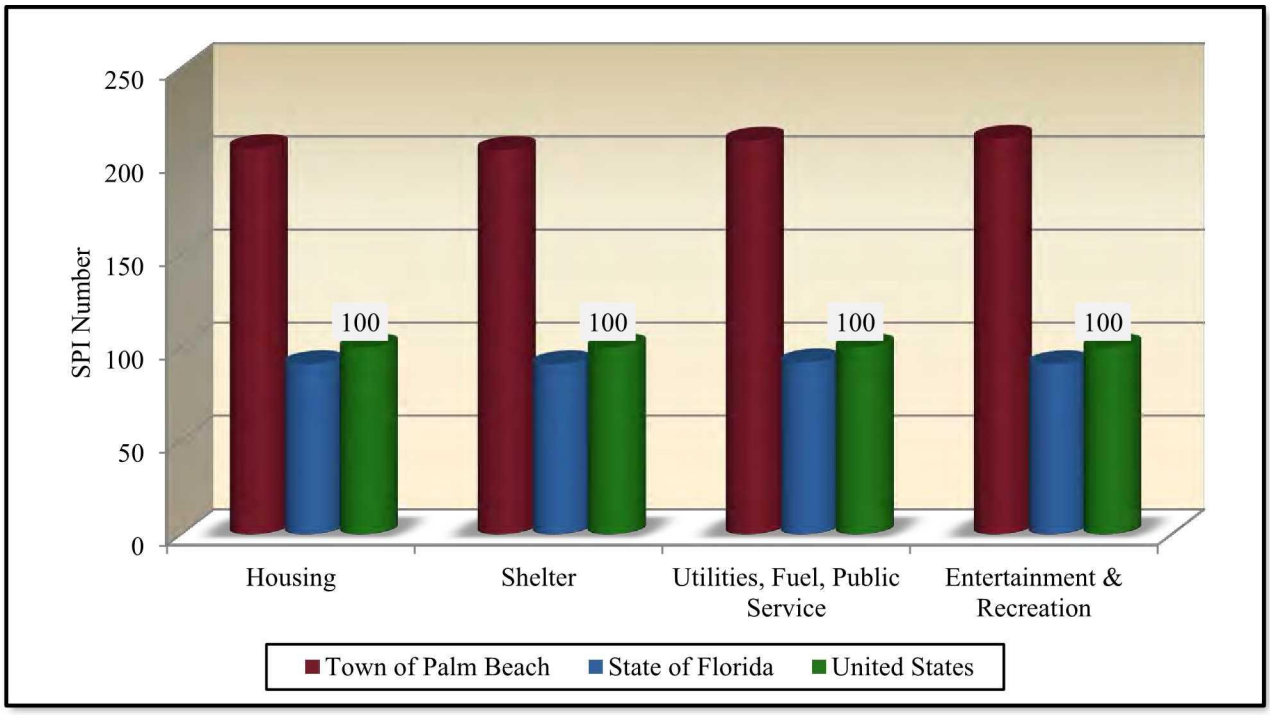


Chart D, illustrates the Household Budget Expenditures Spending Potential Index in the service areas. The SPI follows a consistent pattern with median household income.

Recreation Expenditures Spending Potential Index: Finally, through the demographic provider that B*K utilizes for the market analysis portion of the report, we are able to examine the overall propensity for households to spend dollars on recreation activities. The following comparisons are possible.

Table F – Recreation Expenditures Spending Potential Index[4]:

Town of Palm Beach	SPI	Average Spent
Fees for Participant Sports	251	$224.78
Fees for Recreational Lessons	188	$231.96
Social, Recreation, Club Membership	237	$454.37
Exercise Equipment/Game Tables	183	$99.92
Other Sports Equipment	184	$17.55

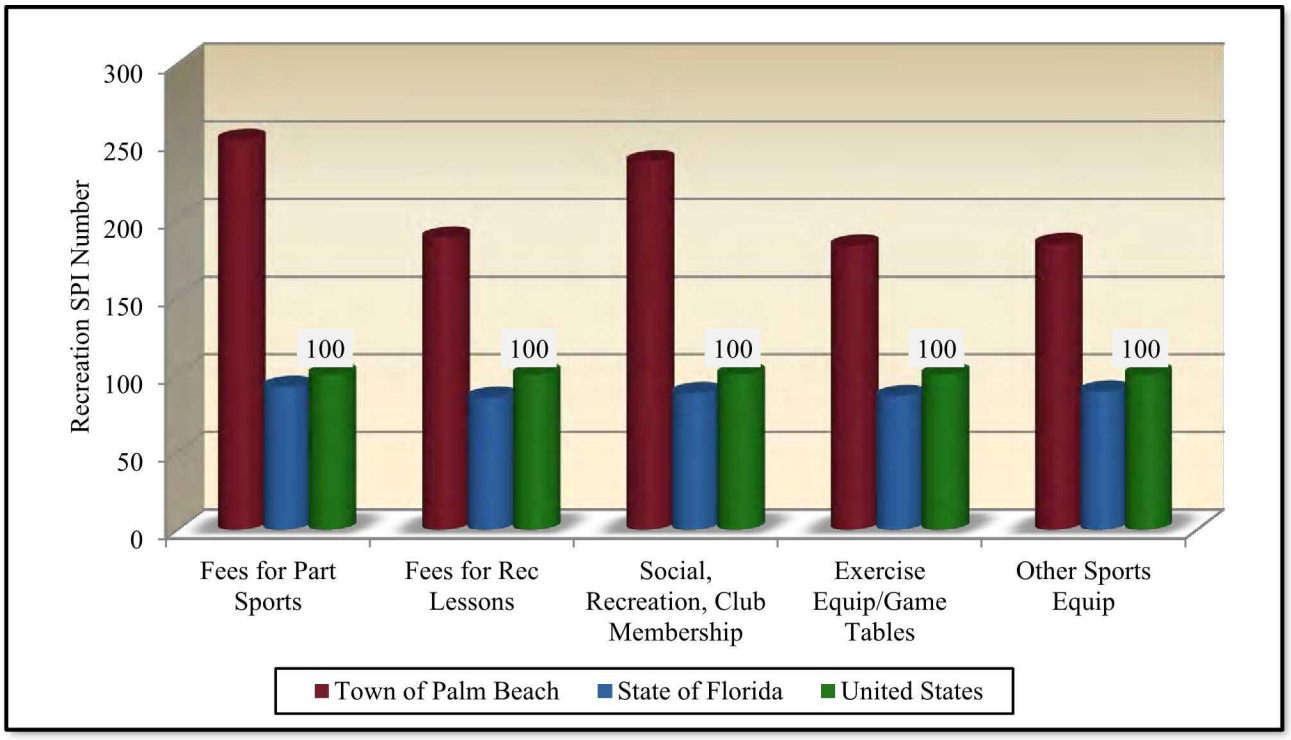
State of Florida	SPI	Average Spent
Fees for Participant Sports	92	$82.64
Fees for Recreational Lessons	85	$104.26
Social, Recreation, Club Membership	88	$169.26
Exercise Equipment/Game Tables	86	$46.69
Other Sports Equipment	89	$8.49

Average Amount Spent: The average amount spent for the service or item in a year.

SPI: Spending potential index as compared to the national number of 100.

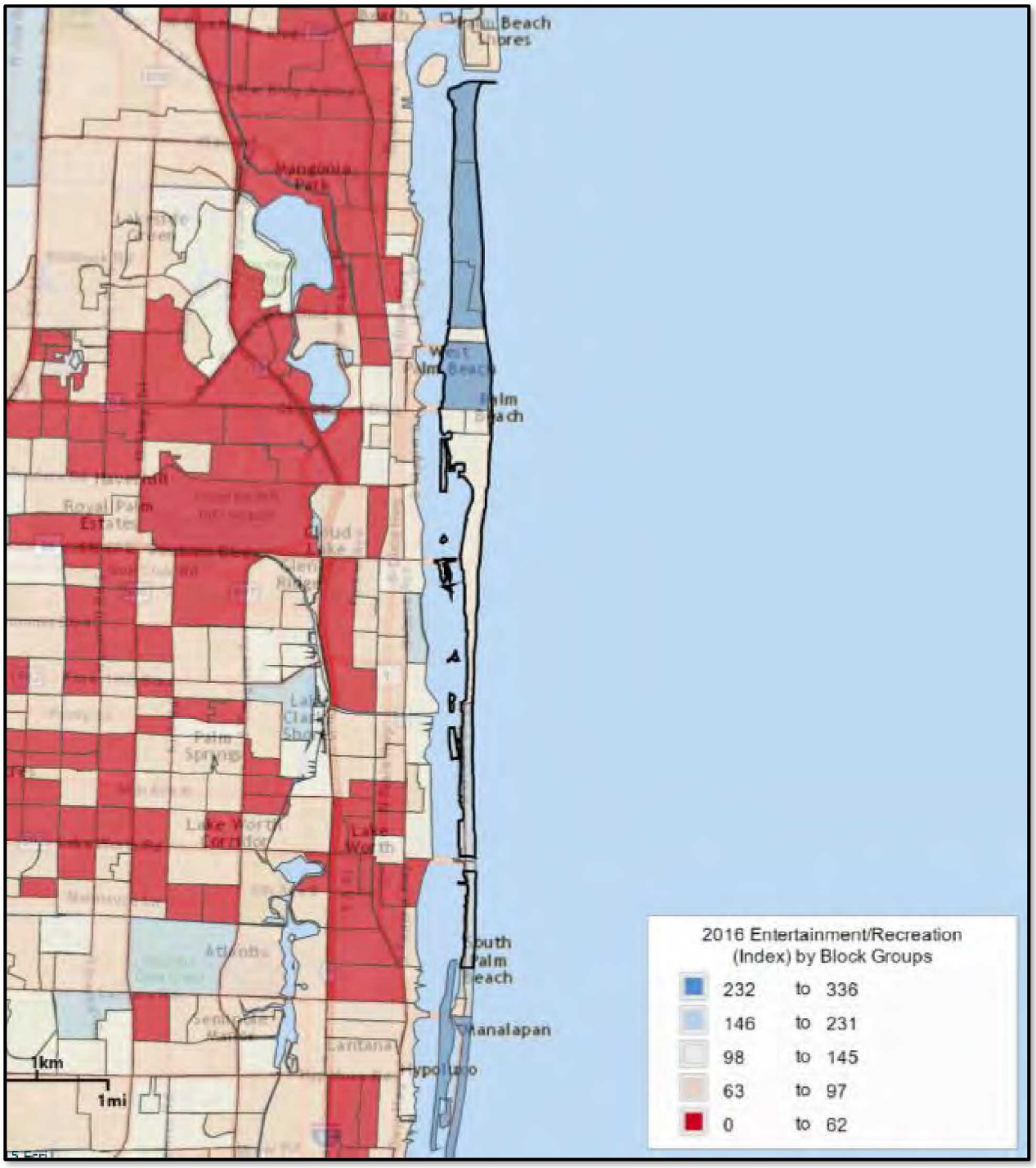
[4] Consumer Spending data are derived from the 2006 and 2007 Consumer Expenditure Surveys, Bureau of Labor Statistics.

Chart E – Recreation Spending Potential Index:



The Spending Potential Index for Recreation is very similar to the Household Budgetary Spending, as illustrated in Chart D. It is also important to note that these dollars are currently being spent.

Map C – Entertainment & Recreation Spending Potential Index by Census Block Group



Demographic Summary

The following summarizes the demographic characteristics of the Town of Palm Beach.

- Palm Beach has a relatively small permanent population base but there is a significant number of seasonal residents, as well. The population is expected to continue to grow over the next five years as indicated by census data illustrated in Table A.

- Palm Beach has a reasonably small household size and the median age is much older than the state and national numbers.

- Palm Beach has a very high median household income level and as a result has a very high Recreation Spending Potential Index.

- There are far fewer households with children than the state percentage. However, this does not account for seasonal residents, visitors or grandchildren.

- There is very little diversity in the community with the predominate race being white.

Competitive Market Analysis: There are a number of indoor facilities in the immediate Palm Beach area that are supplying recreation, fitness, and sports activities. The following is a brief review of these providers.

Public

There are only a few public indoor community center facilities located in the greater Palm Beach market area.

City of West Palm Beach – The City has four community centers with Howard Park Community Center being the closest to Palm Beach. This is a small center with community rooms and a computer lab.

Several other communities (Palm Beach Gardens, Lake Worth and others) also have small community centers as well.

Non-Profit

There are two major non-profit providers in the market area.

Jewish Community Center – There are two Mandel Jewish Community Centers, one in Palm Beach Gardens and another in Boynton Beach. These are full-service recreation centers with a variety of active and passive use amenities including fitness areas, gyms, pools and multipurpose rooms.

YMCA – There are also two YMCA's, the Edwin W. Brown Family YMCA is located in West Palm Beach and another in Boynton Beach. Both are full-service recreation and fitness centers that include an indoor pool.

Private

There are an extensive number of private fitness and sports clubs in the Palm Beach area. There are full-service clubs such as:

The Breakers – Located in Palm Beach proper, this club features a number of indoor and outdoor fitness, aquatics, golf and tennis facilities. This club is the most high-end of any facilities in the area but usage of the Ocean Fitness facility is limited to members and hotel guests.

LA Fitness – This is a large fitness center that is located in West Palm Beach. It is part of nation-wide chain of fitness facilities.

Palm Beach Fitness – Located in Palm Beach, this center has a full line of free weights, strength and cardio equipment.

Ultima Downtown – This club is located in West Palm Beach and it features an extensive fitness center.

In addition to these clubs, there are also a number of specialty, boutique, fitness facilities that serve the area.

CrossFit CityPlace – Located in West Palm Beach, this is a facility that focuses on cross fit training

Orange Theory – This is part of a national chain of fitness centers that emphasize cardio and resistance circuit training. It is located in West Palm Beach.

Haute Yoga – This is a yoga studio in Palm Beach.

LaBarre Yoga Studio – This is a Barre yoga and Pilates studio in Palm Beach.

Velocity Cycling Studio – The studio offers group cycling classes and is located in West Palm Beach.

This is a representative listing of alternative indoor recreation, fitness, and sports facilities in the greater Palm Beach area and is not meant to be a total accounting of all service providers. There may be other facilities located in the area that have an impact on the market as well, this could include the Palm Beach Country Club, Everglades Club, Beach Club, Sailfish Club, etc.

Market Conclusion: The existing Palm Beach Recreation Center is an older building that is no longer considered a state of the art facility. It has had a decidedly passive use focus with an emphasis on youth. Looking to the future, the Palm Beach community could benefit from an improved and expanded facility that will be able to offer more diverse recreation, sports and fitness offerings. Considering the demographic characteristics of the town, the center could also have an appeal to adults and serve as a true community based facility.

It is recognized that there are a considerable number of recreation, fitness, and sports facilities in the area but this should not detract from the market for a public recreation center in Palm Beach. With the primary goal of replacing the existing Recreation Center as well as enhancing the recreation opportunities in the town, the other providers will have very limited impact on the market for a new center, even with a new fitness element being added. Public recreation centers typically have a different market focus and service nature than private facilities and it is not unusual to have residents with memberships/passes to several facilities to better meet their recreation, social, and fitness needs.

Section III – Operations Analysis

The following operations analysis has been completed for the planned new Palm Beach Recreation Center.

Assumptions: The following are the basic parameters for the project.

- The center will be approximately 14,900 SF and will include a small fitness area, small gym, game room, after-school room, craft center, multipurpose room, classroom. There will also be a covered porch area of approximately 2,000 SF.
- The first year of operation will be fiscal year 2019.
- This operational budget represents both existing and new expenses and revenues.
- The presence of other providers in the market will remain the same.
- The center will be operated by the Town of Palm Beach through the Recreation Department.
- Primary focus of the center will be to serve the needs of the residents of the Town of Palm Beach and their guests. Limited programming opportunities will be available to non-residents.
- This operations estimate is based on a program and basic concept plan for the facility only.
- There will be a high level of programming in the new areas of the building.
- There could be some creative partnerships with other organizations but these have not been shown in this operations plan.
- No new ongoing use or long term rental of space in the facility has been shown.
- There will be pass fees collected for the active use spaces of the building (gym and fitness areas). Three different estimates of the number of passes that will be sold has been developed (Conservative, Probable and Aggressive).
- This operations analysis should be updated once a final design for the center has been completed and then again during construction.

Operating Hours: The operating hours of the center are projected to vary by high and low season.

Days	High Season-(Oct.-April)
Monday-Friday	7:00am-8:00pm
Saturday	8:00am-6:00pm
Sunday	10:00am-5:00 pm

Days	Low Season-(May-Sept.)
Monday-Friday	7:00am-7:30pm
Saturday	8:00am-5:00pm
Sunday	11:00am-5:00 pm

Fee Structure: The fee structure for use of the active elements of the center is projected to have two options:

All Inclusive Pass (Fitness/gym use and basic fitness classes)

Category	3 Month Seasonal	6 Month Seasonal	Annual
Adult	$300	$420	$600
2 Adults (same HH)	$450	$630	$900
Family[5]	$550	$770	$1,100

Fitness Center Pass (Fitness center use only)

Category	3 Month Seasonal	6 Month Seasonal	Annual
Single	$240	$336	$480
2 Adults (same HH)	$360	$504	$720
Corporate (Single)	$360	$504	$720

[5] Two adults and two children up to age 22 or 1 adult and 2 children up to age 22. Each additional child is $100/year.

Gym Only Pass

Category	Annual
Youth[6]	$120

Daily Pass

Category	Daily
Fitness Center (Resident)	$15
Fitness Center (Resident Guest)	$20
Gymnasium (Resident Adult)	$10
Gymnasium (Resident Guest Adult)	$15
Gymnasium (Youth Res./Guest/School)[7]	$5

Operations Summary: Three possible operations scenarios have been developed for the Recreation Center.

Probable – This scenario represents the most likely operational budget for the recreation center.

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 313,294	$ 984,372
Revenues	$ 332,418	$ 425,305	$ 757,723
Difference	$ (338,660)	$ 112,011	$ (226,649)
Recovery %	50%	136%	77%

[6] Youth who attend Palm Beach Public or Palm Beach Day Academy but do not live on the island are eligible to purchase passes with proof of enrollment.

[7] Youth who attend Palm Beach Public or Palm Beach Day Academy but do not live on the island are eligible to purchase passes with proof of enrollment.

The Probable assumptions include 250 passes sold with a mix of 3 month, 6 month and 12 month passes. This would represent a pass sold to 5% of the 5,000 estimated households in Palm Beach. Daily passes and corporate passes have been calculated as well.

Conservative – This scenario takes a very conservative approach to estimating revenues than the Probable option.

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 286,962	$ 958,040
Revenues	$ 332,418	$ 299,998	$ 632,416
Difference	$ (338,660)	$ 13,036	$ (325,624)
Recovery %	50%	105%	66%

The Conservative assumptions include 150 passes sold with a mix of 3 month, 6 month and 12 month passes. This would represent a pass sold to 3% of the 5,000 estimated households in Palm Beach. Daily passes and corporate passes have been reduced from the Probable scenario plus program staff and revenues have been reduced by 25%.

Aggressive – This scenario takes a much more aggressive approach to estimating revenues than the Probable option.

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 339,626	$ 1,010,704
Revenues	$ 332,418	$ 582,957	$ 915,375
Difference	$ (338,660)	$ 243,331	$ (95,329)
Recovery %	50%	172%	91%

The Aggressive assumptions include 350 passes sold with a mix of 3 month, 6 month and 12 month passes. This would represent a pass sold to 7% of the 5,000 estimated households in Palm Beach. Daily passes and corporate passes have been increased from the Probable scenario plus program staff and revenues have been increased by 25%.

Note: More detailed operations information for each of the three options is available in the appendix section of this report.

Section IV – Benchmark Study

As part of the business plan, Ballard*King & Associates completed a benchmark study of three other similar recreation centers in communities with comparable demographics. The Town of Palm Beach identified the three agencies to benchmark. These agencies are listed below.

- Key Biscayne, Florida
- Mercer Island, Washington
- Snowmass Village, Colorado

The following is a summary of the information that was gathered from the surveys. A copy of the survey instrument can be found in the appendix of this report.

Facility:	Key Biscayne Community Center
Owner/Operator:	Village of Key Biscayne
Contact:	Todd Hofferberth, Director of Parks & Recreation
Phone:	305-365-8947
E-Mail:	thofferberth@keybiscayne.fl.gov
	http://keybiscayne.fl.gov/pr/index.php?src

Facility:	Mercer Island Community & Event Center
Owner/Operator:	Mercer Island
Contact:	Ryan Daly, Manager
Phone:	206-275-7854
E-Mail:	ryan.daly@mercergov.org
	http://www.mercergov.org/Page.asp?NavID=1951

Facility:	Snowmass Village Recreation Center
Owner/Operator:	Snowmass Village
Contact:	Jocelyn Ritti, Recreation Center Manager
Phone:	970-922-2240
E-Mail:	jritti@tosv.com
	http://www.snowmassrecreation.com/148/Recreation-Center

Year Facility was Constructed:

Key Biscayne	Mercer Island	Snowmass Village
2004	2005	2006

Total Square Footage of Facility:

Key Biscayne	Mercer Island	Snowmass Village
32,000[8]	42,755	18,000

Total Square Footage of Weight/Cardio Area:

Key Biscayne	Mercer Island	Snowmass Village
3,500	1,385	2,400
10.4%	3.2%	13.3%

[8] Currently in the process of expanding the center by 5,400 square feet at a cost of $1.8 million.

Key Center Amenities:

Key Biscayne	Mercer Island	Snowmass Village
Gymnasiums Game Room Dance/Aerobic Room Toddler Room Indoor Playground Wellness Center Front Desk 1st Floor Lobby Concession Lap Pool (6 lane x 35 yard) 2nd Floor Lobby 2nd Floor Multipurpose Room (1 large, or 4 small) 6 Offices – Admin Adult/Senior Room Computer Room Arts & Craft Room (kilns) 1st Floor Locker/Bathroom 2nd Floor Bathroom AV Equipment Room 6 Large Storage Rooms	Meeting Rooms (5) Dance Room Large Banquet Room w/ Terrace Game Room Locker Rooms Gym w/ 2 Basketball Courts Lounge Area Catering Kitchen Outdoor Children's Play Area	3 Saline Pools (including hot tub) Cardio Equipment Strength Training Equipment Group Fitness Studio Gymnasium Bouldering Cave Climbing Wall Locker Rooms

Perceived Demographics:

	Key Biscayne	Mercer Island	Snowmass Village
Pop. of Community	13,000	24,326	2,000
Expanded Service Area	N/A	N/A	20,000
Serve 2nd Homeowners	Yes	Yes	Yes
Serve Tourist Market	Yes	Limited	Yes
Serve Non-Residents	No (staff and public school teachers are exception)	Yes	Yes

Hours of Operation:

Key Biscayne	Mercer Island	Snowmass Village
Weekdays: 6:00A-10:00P Weekends: 8:00A-8:00P	Mon-Fri: 7:00A-9:00P Sat: 8:00A-9:00P Sun: 11:00A-5:00P	Mon-Thu: 5:30A-8:30P Fri: 5:30A-6:00P Sat: 8:00A-8:00P Sun: 8:00A-6:00P

Seasonal Adjustments (hours):

Key Biscayne	Mercer Island	Snowmass Village
No	No	No

Fee Schedule:

Key Biscayne

	Daily Res.	Daily Guest	Monthly	Yearly
Adult	$9.00	$13.00	$55.00	$300.00
Youth (10-18)	$6.00	$9.00	$22.00	$130.00
Senior (65+)	$6.00	$9.00	$30.00	$200.00
Student (19-25)	$7.00	$10.00	$35.00	$220.00
Couple	N/A	N/A	$85.00	$385.00
Senior Couple (65+)	N/A	N/A	$50.00	$300.00
Family (4 ind.)	N/A	N/A	$110.00	$525.00

Percentage of Users that are Non-Residents: N/A
Corporate Memberships: No

Mercer Island

Fees are determined by program or area of the building that are used; badminton, pickleball, senior volleyball, fitness room, open gym & fitness room combo, open gym, indoor playground. Fees also have a resident/non-resident structure.

Fitness Room	Drop-In	Monthly Pass
Youth/Senior Resident	$3.00	$25.00
Youth/Senior Non-Resident	$4.00	$30.00
Adult Resident	$4.00	$30.00
Adult Non-Resident	$5.00	$35.00

Open Gym & Fitness Room COMBO	Drop-In	Monthly Pass
Youth/Senior Resident	$4.00	$38.25
Youth/Senior Non-Resident	$5.00	$46.00
Adult Resident	$5.00	$46.00
Adult Non-Resident	$6.00	$55.00

Rentals are prioritized by:

1. On-Island Community Service
2. Resident/Non-Island Non-Profit
3. Non-Resident & Corporate

Percentage of Users that are Non-Residents:	30%
Corporate Memberships:	Yes – Room Rentals Only

Snowmass Village

Drop-In	
Adult	$15.00
Youth	$10.00
Membership	
Adult	$660.00
Family	$1,252.00
20-Punch Card	
Adult	$240.00
Youth	$175.00

Percentage of Users that are Non-Residents:	Less than 25%
Corporate Memberships:	No

Operational Budget:

Key Biscayne

Expenses:	$2,691,844	
Revenues:	$2.400,000	(budgeted)
Use/Pass Numbers:	4,062	Annual
	90	Monthly

Mercer Island

Expenses:	$1,190,430
Revenues:	$786,105

Snowmass Village

Expenses:	$1,312,955	(2017 Proposed)
Revenues:	$711,194	(2017 Proposed)
	46% Subsidized	

Cost Recovery Mandate:

Key Biscayne	Mercer Island	Snowmass Village
No	70%	No

Enterprise Fund:

Key Biscayne	Mercer Island	Snowmass Village
No	No	No

Key Full-Time Staff Positions

Key Biscayne	Mercer Island	Snowmass Village
Parks & Recreation Director Parks & Recreation Asst. Dir. Athletics Supervisor Front Desk Manager Youth & Teen Prog. Coor. Adult & Senior Prog. Coor.	Manager Customer Service Supervisor Operation Supervisor Marketing Coordinator Admin. Assistant	Director of Parks, Rec & Trails Aquatics Manager Programs Manager Parks & Trails Manager Recreation Center Manager

Key Recreation Programs Offered at the Center:

Key Biscayne	Mercer Island	Snowmass Village
Arts & Crafts Robotics & Coding Music & Performing Arts Youth Dance Programs Broadway Musical Theatre Program Maria Verdeja School of the Arts Youth Fitness & Sports Gymnastics Special Programs Educational Enrichment Winter & Spring Break Camps Athletics SwimFit Swim Lessons Yoga Group Exercise Senior Fitness Trips & Tours 50+ Programs	Jazzercise Pickleball Youth Day Camps Senior Programs Art Classes Fitness Classes	Leagues Swim Lessons Kid's Day Camps Group Fitness

Greatest Operational Challenges:

Key Biscayne

1. Need for more parking spaces
2. Need for more space for programs and senior activity space
3. Need for a larger pool to accommodate aquatic activities
4. Front desk and access control

Mercer Island

1. Configuration of Front Desk makes it difficult to greet patrons
2. Meeting the needs of an age diverse community
3. Accommodating rentals and general patrons

Snowmass Village

1. Space
2. Staffing

If Building Your Center Again, What Would you do Differently?

Key Biscayne

1. Not shrinking the size of the building and pool due to public concerns it was too large during the planning process. The need for expansion was realized shortly after opening. The decrease in the size of the building is a primary reason for many of the issues we are facing. The 1st phase of our expansion has caused too many issues to list. The second phase will probably add 10,000 to 15,000 Sq. Ft. and planning will begin once the current expansion is complete.
2. More parking
3. Better access control
4. Build a larger pool

Mercer Island

1. Provide air conditioning in all rooms- in construction AC was not provided to the gym or kitchen.
2. Configure our banquet room to have a better view of the lake.
3. Create more of an open and social feel.
4. More functional office space.
5. Increased parking.

Snowmass Village

1. Make it bigger.

Section V – Appendix

Operations Analysis Detail of the Three Options

Benchmark Survey

Operational Budget Summary-Probable Scenario

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 313,294	$ 984,372
Revenues	$ 332,418	$ 425,305	$ 757,723
Difference	$ (338,660)	$ 112,011	$ (226,649)
Recovery %	50%	136%	77%

Recreation Center Operating Expenses-Probable Scenario			
Category	**Fiscal Year 2018 Projected Budget**	**Fiscal Year 2019 Budget Additions**	**Total**
Salaries and Wages (new positions)			
Regular Wages and Benefits (Full-time)	180,877	2,392	183,269
			-
Salaries and Wages Special and Benefits (Part-time)	88,768	212,097	300,865
Benefits	116,272		
Total	$ 385,917	$ 214,489	$ 600,406
Contractual			
Janitorial ($2.25 SF/cleaning is 7 days a week)	20,624	9,495	30,119
Landscape Contracting	9,802	500	10,302
Special Recreation Contracts	92,196	24,500	116,696
Other Contract Services	34,300	5,000	39,300
Training/Certification	511	200	711
Travel/Professional Development	2,246	0	2,246
Professional Association Expense	204	0	204
Postage	919	200	1,119
Electrical ($3.00 SF)	30,630	12,660	43,290
Solid Waste Disposal	3,063	500	3,563
Water	25,729	2,000	27,729
Building Maintenance	14,600	7300	21,900
Other Equipment Maintenance (increase for Fitness)	4,084	6,000	10,084
Promotional Activities	5,105	2,000	7,105
Bank Service Charges	8,168	15,000	23,168
Total	$ 252,181	$ 85,355	$ 337,536
Commodities			
Office Supplies	715	250	965
Chemical/Cleaning Supplies	4,084	500	4,584
Building Maintenance Supplies	1,021	500	1,521
Other Equipment Maintenance Supplies	511	100	611
Fuel/Motor Oil	715	250	965
Uniform	715	250	965
Medical Supplies	204	100	304
Computer Software	0	1,000	1,000
Data Processing Supplies	0	0	0
Other Supplies Maintenance	6,126	3,000	9,126
Minor Operating Equipment	1,021	500	1,521
Other Supplies Program	17,357	7,000	24,357
Membership Dues	511	0	511
Publications/Subscriptions	0	0	0
Total	$ 32,980	$ 13,450	$ 46,430
Capital			
Replacement	$ -	$ -	$ -
Grand Total	**$ 671,078**	**$ 313,294**	**$ 984,372**

Recreation Center Facility Revenues-Probable Scenario			
Category	**Fiscal Year 2018 Projected Budget**	**Fiscal Year 2019 Budget Additions**	**Total**
Fees			
Daily Admissions	0	32,400	32,400
All Inclusive			
3 Month Passes	0	10,250	10,250
6 Month Passes	0	23,380	23,380
Annual Passes	0	77,492	77,492
Fitness Center			
3 Month Passes	0	7,440	7,440
6 Month Passes	0	13,776	13,776
Annual Passes	0	46,837	46,837
Gym Passes	0	3,600	3,600
Rentals	1,530	13,950	15,480
Total	$ 1,530	$ 229,125	$ 230,655
Programs			
Recreation General	328,440	156,930	485,370
Contract Programs		35,000	35,000
Total	$ 328,440	$ 191,930	$ 520,370
Other			
Promotional Merchandise	1,224	750	1,974
Vending (contract percentage of gross sales)	0	3,500	3,500
Concessions	1,224	0	1,224
Total	$ 2,448.00	$ 4,250	$ 6,698
Grand Total	**$ 332,418**	**$ 425,305**	**$ 757,723**

Recreation Center Full-Time Staff-Probable Scenario			
Full Time Staff (New Only)	**Salary**	**Positions**	**Total**
Recreation Supervisor (Fitness)	$2,392	1	$2,392
(Reclassification of existing position)			
Maintenance Worker	$32,000	0	$0
Office Assistant II (Front Desk)	$29,500	0	$0
Positions		1	
Salaries			$2,392
Benefits (amount of increase only)	0%		$0.00
Total			**$2,392.00**

Recreation Center Part Time Staff-Probable Scenario				
Part-Time (New Only)	**Rate**	**Hours**	**Weeks**	**Total**
Front Desk Attendant	$ 16.82	30.1	52	26,323
Fitness Attendant	$ 10.41	80.1	52	43,358
Maintenance Worker	$ 15.99	48.0	52	39,911
Activity Worker-Gym	$10.41	36.0	26	9,744
Total				$ 119,336
Benefits	10%			11,934
Total				**$ 131,269**
Program Staff				
General				73,480
Benefits	10.0%			7,348
Total				**$ 80,828**
Grand Total				**$ 212,097**

Recreation Center Pass Revenue Worksheet-Probable Scenario

Daily Pass	Fees	Number	Revenue
Fitness Center (Res.)	$15.00	2	$30
Fitness Center (Res./Guest)	$20.00	1	$20
Gymnasium (Res. Adult)	$10.00	1	$10
Gymnasium (Res. Guest Adult)	$15.00	1	$15
Gymnasium (Youth Res/Guest)	$5.00	3	$15
Total		8	$90
		2,880	x 360 days/year
Grand Total			$32,400

All Inclusive

3 Month Pass	Fees	Number	Revenue
Adult	$300	10	$3,000
2 Adults (same HH)	$450	10	$4,500
Family	$550	5	$2,750
Total		25	$10,250

6 Month Pass	Fees	Number	Revenue
Adult	$420	17	$7,140
2 Adults (same HH)	$630	16	$10,080
Family	$770	8	$6,160
Total		41	$23,380

Monthly On-Going	Fees	Number	Revenue	Months	Total
Adult	$53	30	$1,590	12	$19,080
2 Adults (same HH)	$78	29	$2,262	12	$27,144
Family	$95	15	$1,425	12	$17,100
Total		74	$5,277		$63,324
Loss	10%				$6,332
Adjusted Total					$56,992

Annual Pass	Fees	Number	Revenue
Adult	$600	10	$6,000
2 Adults (same HH)	$900	10	$9,000
Family	$1,100	5	$5,500
Total		25	$20,500

Fitness Center

3 Month Pass	Fees	Number	Revenue
Adult	$240	7	$1,680
2 Adults (same HH)	$360	6	$2,160
Corporate	$360	10	$3,600
Grand Total		23	$7,440

6 Month Pass	Fees	Number	Revenue
Adult	$336	11	$3,696
2 Adults (same HH)	$504	10	$5,040
Corporate	$504	10	$5,040
Grand Total		31	$13,776

Monthly On-Going	Fees	Number	Revenue	Months	Total
Adult	$43	19	$817	12	$9,804
2 Adults (same HH)	$63	19	$1,197	12	$14,364
Corporate	$63	15	$945	12	$11,340
Total		53	$2,959		$35,508
Loss	10%				$3,551
Adjusted Total					$31,957

Annual Pass	Fees	Number	Revenue
Adult	$480	7	$3,360
2 Adults (same HH)	$720	6	$4,320
Corporate	$720	10	$7,200
Total		23	$14,880

Gym Only	Fees	Number	Revenue
Youth	$120	30	$3,600
Total		30	$3,600

Revenue Summary	
Daily	$32,400
All Inclusive	
3 Month Passes	$10,250
6 Month Passes	$23,380
Annual Passes	$77,492
Fitness Center	
3 Month Passes	$7,440
6 Month Passes	$13,776
Annual Passes	$46,837
Gym Passes	$3,600
Total	$215,175

Pass Numbers	
165	66% of all passes
25	15% of total
41	25% of total
99	60% of total
85	34% of all passes
13	15% of total
21	25% of total
51	60% of total
250	

Passes equal 5% of the households (5,000 projected in 2019) in Palm Beach, plus an allocation for corporations.

Operational Budget Summary-Conservative Scenario

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 286,962	$ 958,040
Revenues	$ 332,418	$ 299,998	$ 632,416
Difference	$ (338,660)	$ 13,036	$ (325,624)
Recovery %	50%	105%	66%

Recreation Center Operating Expenses-Conservative Scenario			
Category	**Fiscal Year 2018 Projected Budget**	**Fiscal Year 2019 Budget Additions**	**Total**
Salaries and Wages (new positions)			
Regular Wages and Benefits (Full-time)	180,877	2,392	183,269
			-
Salaries and Wages Special and Benefits (Part-time)	88,768	191,890	280,658
Benefits	116,272		
Total	$ 385,917	$ 194,282	$ 580,199
Contractual			
Janitorial ($2.25 SF/cleaning is 7 days a week)	20,624	9,495	30,119
Landscape Contracting	9,802	500	10,302
Special Recreation Contracts	92,196	18,375	110,571
Other Contract Services	34,300	5,000	39,300
Training/Certification	511	200	711
Travel/Professional Development	2,246	0	2,246
Professional Association Expense	204	0	204
Postage	919	200	1,119
Electrical ($3.00 SF)	30,630	12,660	43,290
Solid Waste Disposal	3,063	500	3,563
Water	25,729	2,000	27,729
Building Maintenance	14,600	7300	21,900
Other Equipment Maintenance (increase for Fitness)	4,084	6,000	10,084
Promotional Activities	5,105	2,000	7,105
Bank Service Charges	8,168	15,000	23,168
Total	$ 252,181	$ 79,230	$ 331,411
Commodities			
Office Supplies	715	250	965
Chemical/Cleaning Supplies	4,084	500	4,584
Building Maintenance Supplies	1,021	500	1,521
Other Equipment Maintenance Supplies	511	100	611
Fuel/Motor Oil	715	250	965
Uniform	715	250	965
Medical Supplies	204	100	304
Computer Software	0	1,000	1,000
Data Processing Supplies	0	0	0
Other Supplies Maintenance	6,126	3,000	9,126
Minor Operating Equipment	1,021	500	1,521
Other Supplies Program	17,357	7,000	24,357
Membership Dues	511	0	511
Publications/Subscriptions	0	0	0
Total	$ 32,980	$ 13,450	$ 46,430
Capital			
Replacement	$ -	$ -	$ -
Grand Total	**$ 671,078**	**$ 286,962**	**$ 958,040**

Recreation Center Facility Revenues-Conservative Scenario			
Category	**Fiscal Year 2018 Projected Budget**	**Fiscal Year 2019 Budget Additions**	**Total**
Fees			
Daily Admissions	0	23,400	23,400
All Inclusive			
3 Month Passes	0	6,150	6,150
6 Month Passes	0	14,350	14,350
Annual Passes	0	47,000	47,000
Fitness Center			
3 Month Passes	0	4,920	4,920
6 Month Passes	0	8,568	8,568
Annual Passes	0	31,062	31,062
Gym Passes	0	2,400	2,400
Rentals	1,530	13,950	15,480
Total	$ 1,530	$ 151,800	$ 153,330
Programs			
Recreation General	328,440	117,698	446,138
Contract Programs		26,250	26,250
Total	$ 328,440	$ 143,948	$ 472,388
Other			
Promotional Merchandise	1,224	750	1,974
Vending (contract percentage of gross sales)	0	3,500	3,500
Concessions	1,224	0	1,224
Total	$ 2,448.00	$ 4,250	$ 6,698
Grand Total	**$ 332,418**	**$ 299,998**	**$ 632,416**

Recreation Center Full-Time Staff-Conservative Scenario			
Full Time Staff (New Only)	**Salary**	**Positions**	**Total**
Recreation Supervisor (Fitness)	$2,392	1	$2,392
(Reclassification of existing position)			
Maintenance Worker	$32,000	0	$0
Office Assistant II (Front Desk)	$29,500	0	$0
Positions		1	
Salaries			$2,392
Benefits (amount of increase only)	0%		$0.00
Total			**$2,392.00**

Recreation Center Part Time Staff-Conservative Scenario				
Part-Time (New Only)	**Rate**	**Hours**	**Weeks**	**Total**
Front Desk Attendant	$ 16.82	30.1	52	26,323
Fitness Attendant	$ 10.41	80.1	52	43,358
Maintenance Worker	$ 15.99	48.0	52	39,911
Activity Worker-Gym	$10.41	36.0	26	9,744
Total				$ 119,336
Benefits	10%			11,934
Total				**$ 131,269**
Program Staff				
General				55,110
Benefits	10.0%			5,511
Total				**$ 60,621**
Grand Total				**$ 191,890**

Recreation Center Pass Revenue Worksheet-Conservative Scenario

Daily Pass	Fees	Number	Revenue
Fitness Center (Res.)	$15.00	1	$15
Fitness Center (Res./Guest)	$20.00	1	$20
Gymnasium (Res. Adult)	$10.00	1	$10
Gymnasium (Res. Guest Adult)	$15.00	1	$15
Gymnasium (Youth Res/Guest)	$5.00	1	$5
Total		5	$65
		1,800	x 360 days/year
Grand Total			$23,400

All Inclusive

3 Month Pass	Fees	Number	Revenue
Adult	$300	6	$1,800
2 Adults (same HH)	$450	6	$2,700
Family	$550	3	$1,650
Total		15	$6,150

6 Month Pass	Fees	Number	Revenue
Adult	$420	10	$4,200
2 Adults (same HH)	$630	10	$6,300
Family	$770	5	$3,850
Total		25	$14,350

Monthly On-Going	Fees	Number	Revenue	Months	Total
Adult	$53	18	$954	12	$11,448
2 Adults (same HH)	$78	18	$1,404	12	$16,848
Family	$95	9	$855	12	$10,260
Total		45	$3,213		$38,556
Loss	10%				$3,856
Adjusted Total					$34,700

Annual Pass	Fees	Number	Revenue
Adult	$600	6	$3,600
2 Adults (same HH)	$900	6	$5,400
Family	$1,100	3	$3,300
Total		15	$12,300

Fitness Center

3 Month Pass	Fees	Number	Revenue
Adult	$240	4	$960
2 Adults (same HH)	$360	4	$1,440
Corporate	$360	7	$2,520
Grand Total		15	$4,920

6 Month Pass	Fees	Number	Revenue
Adult	$336	6	$2,016
2 Adults (same HH)	$504	6	$3,024
Corporate	$504	7	$3,528
Grand Total		19	$8,568

Monthly On-Going	Fees	Number	Revenue	Months	Total
Adult	$43	12	$516	12	$6,192
2 Adults (same HH)	$63	11	$693	12	$8,316
Corporate	$63	12	$756	12	$9,072
Total		35	$1,965		$23,580
Loss	10%				$2,358
Adjusted Total					$21,222

Annual Pass	Fees	Number	Revenue
Adult	$480	4	$1,920
2 Adults (same HH)	$720	4	$2,880
Corporate	$720	7	$5,040
Total		15	$9,840

Gym Only	Fees	Number	Revenue
Youth	$120	20	$2,400
Total		20	$2,400

Revenue Summary	
Daily	$23,400
All Inclusive	
3 Month Passes	$6,150
6 Month Passes	$14,350
Annual Passes	$47,000
Fitness Center	
3 Month Passes	$4,920
6 Month Passes	$8,568
Annual Passes	$31,062
Gym Passes	$2,400
Total	$137,850

Pass Numbers	
99	66% of all passes
15	15% of total
25	25% of total
59	60% of total
51	34% of all passes
8	15% of total
13	25% of total
31	60% of total
150	

Passes equal 3% of the households (5,000 projected in 2019) in Palm Beach, plus an allocation for corporations.

Operational Budget Summary-Aggressive Scenario

Category	Fiscal Year 2018 Projected Budget	Fiscal Year 2019 Budget Additions	Total
Expenses	$ 671,078	$ 339,626	$ 1,010,704
Revenues	$ 332,418	$ 582,957	$ 915,375
Difference	$ (338,660)	$ 243,331	$ (95,329)
Recovery %	50%	172%	91%

Recreation Center Operating Expenses -Aggressive Scenario			
Category	**Fiscal Year 2018 Projected Budget**	**Fiscal Year 2019 Budget Additions**	**Total**
Salaries and Wages (new positions)			
Regular Wages and Benefits (Full-time)	180,877	2,392	183,269
			-
Salaries and Wages Special and Benefits (Part-time)	88,768	232,304	321,072
Benefits	116,272		
Total	$ 385,917	$ 234,696	$ 620,613
Contractual			
Janitorial ($2.25 SF/cleaning is 7 days a week)	20,624	9,495	30,119
Landscape Contracting	9,802	500	10,302
Special Recreation Contracts	92,196	30,625	122,821
Other Contract Services	34,300	5,000	39,300
Training/Certification	511	200	711
Travel/Professional Development	2,246	0	2,246
Professional Association Expense	204	0	204
Postage	919	200	1,119
Electrical ($3.00 SF)	30,630	12,660	43,290
Solid Waste Disposal	3,063	500	3,563
Water	25,729	2,000	27,729
Building Maintenance	14,600	7300	21,900
Other Equipment Maintenance (increase for Fitness)	4,084	6,000	10,084
Promotional Activities	5,105	2,000	7,105
Bank Service Charges	8,168	15,000	23,168
Total	$ 252,181	$ 91,480	$ 343,661
Commodities			
Office Supplies	715	250	965
Chemical/Cleaning Supplies	4,084	500	4,584
Building Maintenance Supplies	1,021	500	1,521
Other Equipment Maintenance Supplies	511	100	611
Fuel/Motor Oil	715	250	965
Uniform	715	250	965
Medical Supplies	204	100	304
Computer Software	0	1,000	1,000
Data Processing Supplies	0	0	0
Other Supplies Maintenance	6,126	3,000	9,126
Minor Operating Equipment	1,021	500	1,521
Other Supplies Program	17,357	7,000	24,357
Membership Dues	511	0	511
Publications/Subscriptions	0	0	0
Total	$ 32,980	$ 13,450	$ 46,430
Capital			
Replacement	$ -	$ -	$ -
Grand Total	**$ 671,078**	**$ 339,626**	**$ 1,010,704**

Recreation Center Facility Revenues-Aggressive Scenario			
Category	**Fiscal Year 2018 Projected Budget**	**Fiscal Year 2019 Budget Additions**	**Total**
Fees			
Daily Admissions	0	64,800	64,800
All Inclusive			
3 Month Passes	0	14,350	14,350
6 Month Passes	0	33,390	33,390
Annual Passes	0	108,825	108,825
Fitness Center			
3 Month Passes	0	9,000	9,000
6 Month Passes	0	20,160	20,160
Annual Passes	0	69,520	69,520
Gym Passes	0	4,800	4,800
Rentals	1,530	13,950	15,480
Total	$ 1,530	$ 338,795	$ 340,325
Programs			
Recreation General	328,440	196,163	524,603
Contract Programs		43,750	43,750
Total	$ 328,440	$ 239,913	$ 568,353
Other			
Promotional Merchandise	1,224	750	1,974
Vending (contract percentage of gross sales)	0	3,500	3,500
Concessions	1,224	0	1,224
Total	$ 2,448.00	$ 4,250	$ 6,698
Grand Total	**$ 332,418**	**$ 582,957**	**$ 915,375**

Recreation Center Full-Time Staff-Aggressive Scenario			
Full Time Staff (New Only)	**Salary**	**Positions**	**Total**
Recreation Supervisor (Fitness)	$2,392	1	$2,392
(Reclassification of existing position)			
Maintenance Worker	$32,000	0	$0
Office Assistant II (Front Desk)	$29,500	0	$0
Positions		1	
Salaries			$2,392
Benefits (amount of increase only)	0%		$0.00
Total			**$2,392.00**

Recreation Center Part Time Staff-Aggressive Scenario				
Part-Time (New Only)	**Rate**	**Hours**	**Weeks**	**Total**
Front Desk Attendant	$ 16.82	30.1	52	26,323
Fitness Attendant	$ 10.41	80.1	52	43,358
Maintenance Worker	$ 15.99	48.0	52	39,911
Activity Worker-Gym	$10.41	36.0	26	9,744
Total				$ 119,336
Benefits	10%			11,934
Total				**$ 131,269**
Program Staff				
General				91,850
Benefits	10.0%			9,185
Total				**$ 101,035**
Grand Total				**$ 232,304**

Recreation Center Pass Revenue Worksheet-Aggressive Scenario

Daily Pass	Fees	Number	Revenue
Fitness Center (Res.)	$15.00	4	$60
Fitness Center (Res./Guest)	$20.00	2	$40
Gymnasium (Res. Adult)	$10.00	2	$20
Gymnasium (Res. Guest Adult)	$15.00	2	$30
Gymnasium (Youth Res/Guest)	$5.00	6	$30
Total		16	$180
		5,760	x 360 days/year
Grand Total			$64,800

All Inclusive

3 Month Pass	Fees	Number	Revenue
Adult	$300	14	$4,200
2 Adults (same HH)	$450	14	$6,300
Family	$550	7	$3,850
Total		35	$14,350

6 Month Pass	Fees	Number	Revenue
Adult	$420	23	$9,660
2 Adults (same HH)	$630	23	$14,490
Family	$770	12	$9,240
Total		58	$33,390

Monthly On-Going	Fees	Number	Revenue	Months	Total
Adult	$53	42	$2,226	12	$26,712
2 Adults (same HH)	$78	41	$3,198	12	$38,376
Family	$95	21	$1,995	12	$23,940
Total		104	$7,419		$89,028
Loss	10%				$8,903
Adjusted Total					$80,125

Annual Pass	Fees	Number	Revenue
Adult	$600	14	$8,400
2 Adults (same HH)	$900	14	$12,600
Family	$1,100	7	$7,700
Total		35	$28,700

Fitness Center

3 Month Pass	Fees	Number	Revenue
Adult	$240	9	$2,160
2 Adults (same HH)	$360	9	$3,240
Corporate	$360	10	$3,600
Grand Total		28	$9,000

6 Month Pass	Fees	Number	Revenue
Adult	$336	15	$5,040
2 Adults (same HH)	$504	15	$7,560
Corporate	$504	15	$7,560
Grand Total		45	$20,160

Monthly On-Going	Fees	Number	Revenue	Months	Total
Adult	$43	27	$1,161	12	$13,932
2 Adults (same HH)	$63	27	$1,701	12	$20,412
Corporate	$63	25	$1,575	12	$18,900
Total		79	$4,437		$53,244
Loss	10%				$5,324
Adjusted Total					$47,920

Annual Pass	Fees	Number	Revenue
Adult	$480	9	$4,320
2 Adults (same HH)	$720	9	$6,480
Corporate	$720	15	$10,800
Total		33	$21,600

Gym Only	Fees	Number	Revenue
Youth	$120	40	$4,800
Total		40	$4,800

Revenue Summary	
Daily	$64,800
All Inclusive	
3 Month Passes	$14,350
6 Month Passes	$33,390
Annual Passes	$108,825
Fitness Center	
3 Month Passes	$9,000
6 Month Passes	$20,160
Annual Passes	$69,520
Gym Passes	$4,800
Total	$324,845

Pass Numbers	
231	66% of all passes
35	15% of total
58	25% of total
139	60% of total
119	34% of all passes
18	15% of total
30	25% of total
71	60% of total
350	

Passes equal 7% of the households (5,000 projected in 2019) in Palm Beach, plus an allocation for corporations.

BALLARD*KING
& ASSOCIATES LTD
Recreation Facility Planning and Operation Consultants

Palm Beach Community Center
Benchmark Study

The Town of Palm Beach Recreation Department is in the process of planning for the expansion and renovation of its existing community center. As part of this process, Palm Beach has hired Ballard*King & Associates to complete an operations study. We would like you to answer the following questions regarding your recreation/community center. **Please respond by Friday, December 9, 2016**. Your quick response to this survey would be much appreciated. We will be happy to share the results of the information that is gathered from this survey.

Please return the survey to: Ken Ballard
Project Manager
Ballard*King & Associates
2743 Ravenhill Circle
Highlands Ranch, CO 80126

OR – Scan and email to: ken@ballardking.com

If you have any questions, please contact: Ken Ballard 303-470-8661

Center Name: _____

City: _____

Contact: _____

Title: _____

Address: _____

_____

Phone: _____

Email: _____

*Ballard*King and Associates is committed to comprehensive planning and operations consulting services, providing for the effective and efficient use of available resources to develop and operate sports, recreation and wellness facilities.*

Year Constructed: _____

Total Square Footage: _____

Center Amenities: _____

_____

_____

What is the square footage of your weight/cardio area?

_____

Population of Your Community: _____

Do you serve second homeowners? _____

Do you serve the tourist market? _____

Do you serve non-residents? _____

Population of the Expanded Service Area: _____
(If relevant)

Hours of Operation: _____

_____

Do you have seasonal adjustments to your hours? _____

If so, what are the changes? _____

Fee Schedule: _____

_____

_____

What percentage of users are non-residents? _____

Do you have corporate memberships? _____

If so, how are they structured? _____

_____

Attach a Copy of your Current Operational Budget Including the Following:

Expenses

Revenues

Use/Pass numbers

Additional Budget Questions:

Cost Recovery (do you have a cost recovery mandate)? _____

Are you an enterprise fund? _____

Key full-time staff positions _____

_____

Key Recreation Programs Offered at the Center: _____

_____

_____

What are the Greatest Operational Challenges that you Face? _____

_____

_____

_____

If you were to Build Your Center Again, What Would you do Differently?

_____

_____

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approving a Pre-Construction Services Agreement with Hedrick Brothers Construction Inc. for the Seaview Park Improvements and Recreation Center Project; RFQ No. 2016-45 **Resolution No. 22-2017**

Date: February 2, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 22-2017 for pre-construction phase services for the Seaview Park Improvements and Recreation Center Project, and authorize the Town Manager to approve a Purchase Order with Hedrick Brothers Construction Inc. (Hedrick Brothers), in an amount of $33,088 for initial pre-construction phase services, and establishing a pre-construction phase budget of $80,000.

GENERAL INFORMATION

The Town Council previously authorized, at the January 10, 2017 meeting, permission for staff to negotiate with Hedrick Brothers for pre-construction services associated with this project. Staff met with the Hedrick Brothers' team along with the project architect to review the scope of the proposed project. Based on that review, Hedrick Brothers submitted a proposal for $97,321. Hedrick Brothers also offered a $15,000 contribution toward this cost resulting in a net amount of $82,321. Subsequently, Public Works, Recreation, and Purchasing Division staff met with Hedrick Brothers to discuss the proposal, and review and negotiate the proposed scope and effort. One of the opportunities to reduce cost was a reduction in the number of progress meetings to be held, and based on that revision, a new proposal was received for $76,142. Staff recommends that a pre-construction phase budget of $80,000 be approved which would include a small five percent (5%) contingency (e.g., if additional progress meetings were required, etc.).

Staff also recommends that the initial purchase order be issued for the first two (2) pre-construction tasks including the progress meetings, plan review, constructability review, and design development estimate/schedule. That initial amount would be $33,088 and, when the project is approved and donations/funding authorized to proceed with the project, then the remaining task for development of the detailed cost estimate, schedule, bidding phase of the project, and Guaranteed Maximum Price (GMP) would be authorized in the amount of $43,054. The pre-construction agreement with Hedrick Brothers has been written to reflect that two-phased approach.

It is also anticipated that the Town Council will accept donated funds to pay for these pre-construction services. This requires a separate vote with the Town Council at the meeting, February 14, 2017.

FUNDING/FISCAL IMPACT

Sufficient funds are being donated to pay for these pre-construction phase services by the Friends of Recreation.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The pre-construction agreement and the resolution have been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Beth Zickar, Director of Recreation
Jane Struder, Director of Finance
Eric Brown, Assistant Director, Public Works
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 22-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF $33,088, TO HEDRICK BROTHERS CONSTRUCTION, INC., FOR PRE-CONSTRUCTION PHASE SERVICES FOR THE SEAVIEW PARK AND PALM BEACH RECREATION CENTER IMPROVEMENTS, AND ESTABLISHING A PRE-CONSTRUCTION PHASE BUDGET OF $80,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in the amount of $33,088 to Hedrick Brothers Construction, Inc., for preliminary pre-construction phase services for the Seaview Park and Palm Beach Recreation Center Improvements and establishes a pre-construction phase services budget of $80,000 subject to receipt of a donation from the Friends of Recreation in like amount.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for this improvement.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including issuing any purchase orders or necessary change order work as recommended by the Public Works Director, within the authorized budget.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February 2017.

_____ _____

Gail L. Coniglio, Mayor , Town Council President

_____

, Council President Pro Tem

_____

, Town Council Member

ATTEST: _____

, Town Council Member

_____ _____

Susan A. Owens, MMC, Town Clerk , Town Council Member

PRE-CONSTRUCTION SERVICES AGREEMENT

This Pre-Construction Services Agreement ("AGREEMENT") dated as of _____, 2017, is made by and between The Town of Palm Beach, Florida ("OWNER") and Hedrick Brothers Construction Company, Inc., a Florida corporation, with its principal place of business located at 2200 Centrepark West Drive, Suite 100, West Palm Beach, Florida, 33409 ("CONTRACTOR").

RECITALS

A. Owner is the owner of the building and site housing the Palm Beach Recreation Center and Seaview Park, located at 340 Seaview Avenue, Palm Beach, ("Property" or "Site") and is planning to do a new Community Center and Seaview Park Improvements Project thereon ("Project") under contractual modality known as Construction Manager (CM); and,

B. Contractor has certified that it is licensed to do business in Palm Beach County, Florida, licensed as general contractor in the State of Florida, and has represented to Owner that Contractor has extensive experience and expertise in building construction, and construction management; and,

C. In reliance upon Contractor's representations and expertise, Owner/Owners' Rep, subject to Florida law, shall assist in pre-construction activities in order to provide a GMP and other services as described herein, with the intention that, at the parties' discretion, Owner and Contractor will make a good faith attempt to negotiate and execute a mutually acceptable contract for Contractor to construct the building in accordance with construction documents produced by Owner's design professionals in a CM format, subject to Town Council approval.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals**. The foregoing recitals are incorporated herein by this reference and made a part hereof.

2. **Relationship of the Parties**. Contractor acknowledges and accepts the relationship of trust and confidence established with the Owner by this Agreement, and covenants with the Owner to furnish Contractor's best, reasonable skill and judgment, and to cooperate with the Architect/Engineer in furthering the interests of the Owner. Contractor shall furnish pre-construction services and use its best efforts to perform those services in an expeditious and economical manner consistent with the interests of the Owner. The Owner shall endeavor to promote harmony and cooperation among the Owner, Architect, Contractor, and other persons or entities employed by the Owner for the Project. Information under the Owner's control, or responses or actions required from the Owner, shall be furnished by the Owner with reasonable promptness to avoid delay in Contractor's performance of the pre-construction services. The parties agree that Contractor is an independent contractor and not an employee of Owner, and nothing in this Agreement shall be construed to create an employer/employee relationship between the parties.

3. **Services**. Subject to the terms and conditions hereinafter set forth, Contractor agrees to provide the services set forth in all Articles of this Agreement ("Services") for a fee not to exceed $76,142 as indicated below, all in accordance with all local, state, and federal law, codes, regulations, standards and orders ("Applicable Law"):

(a) Pre-Construction Progress Meetings:
This scope includes the CM conducting bi-weekly team progress meetings attended by CM, design professionals, Owner, and others as requested. The CM shall provide agendas and produce meeting notes from each meeting documenting the issues of the project, assigning responsibility for issue resolution, and tracking the timelines for issue resolution.

(b) Pre-Construction Scheduling:
This scope includes initial data collection with design professionals providing necessary permits applications as required and timelines for applications and securing all permits. Permits may not be issued prior to GMP issued to Owner.

Based on the provided information, CM will develop a master Pre-Construction Phase Bar Chart schedule incorporating design development, permitting, plan review, cost estimate preparation, guaranteed maximum price preparation, submittal review and approval, long lead item identification and procurement, kickoff informational meeting, and project ground-breaking.

The Pre-Construction schedule shall be presented to the Owner for review & comment and shall be updated monthly to track Pre-Construction progress.

(c) Plan Review/Constructability Review:
The scope includes review of the plans as provided by Design Team. The review shall advise the Owner as to substantive changes from the plan which may materially affect budget or time. The review shall also report to the Owner as to any design criteria which may present considerable constructability challenges. Value engineering ideas should be provided to the Architect and Owner for incorporation into the final plans and specifications. Information on materials, equipment, etc., suggested should be provided to help with the development of a specifications book. This scope shall not include a complete cost estimate presentation.

(d) Guaranteed Maximum Price (GMP) 90% Plans:
The scope consists of CM preparing the Guaranteed Maximum Price (GMP) and the final construction budget based on the 90% construction documents provided by the Design Team. The GMP shall consist of a detailed line item quantity survey for all major items of work to be performed. The direct construction cost for all labor, equipment, material, and subcontracts shall be assessed. The CM general conditions shall be detailed as well as the construction phase fee. The GMP shall also include the Owner along with all supporting documentation for review and approval. This agreed upon document shall become the basis of the Construction Services Phase of the project and shall conclude the Pre-Construction Services phase of the project. Final construction budget GMP will be issued four (4) weeks after receipt of the 90% construction documents from the designers.

A contingency will be put in place for the permitting comments to 100% construction documents.

(e) Alternative Task
Should the Owner desire additional services for investigation, design review, and constructability review; shall be billed at the attached hourly rates guaranteed "not to exceed."

Total Pre-Construction Services: **$ 33,088 (Initial Phase Only) *
$ 43,054 (GMP Phase)**
$ 76,142 Total**

*Initial phase to include only progress meetings, plan review, constructability review, scheduling and design development estimate.
**GMP and full budget/schedule development based on 90% plans to be done in subsequent phase at fee of $43,054 subject to authorization and approval to proceed.

4. **Fees.** (a) The Contractor shall perform the above-referenced Services on a stipulated, actual-cost basis, not-to-exceed, in any event, without the express written consent of Owner first being obtained, the amounts set forth in Article 3 above. Contractor represents to Owner that Contractor has carefully reviewed the pre-construction services necessary to fulfill each services work scope without exaggeration and to the best of Contractor's knowledge and belief, the labor, personnel and other expenses reasonably necessary to complete and discharge each such scope. Except for Additional Services, in the event Contractor's estimates are exceeded, Contractor understands and agrees that its compensation is limited to the assigned stipulated, actual-cost not-to-exceed amounts in Article 3 above, on a stand-alone basis. (b) Sums paid under this Agreement shall be credited to the contract sum under the future construction contract, if any, for the Project in the event Owner awards Contractor the CM Contract.

5. **Additional Services**. The Owner reserves the right to request the Contractor to provide Additional Services. The Contractor shall provide Owner with a written proposal to perform said Additional Services, and Contractor shall perform such Additional Services after receiving a signed copy of the proposal from Owner indicating Owner's written permission to proceed. This Agreement shall be modified to reflect such Owner-approved agreements regarding the cost and time to complete said Additional Services.

6. **Term**. This Agreement shall commence as of the date first written above ("Effective Date") and shall remain in effect until the GMP is accepted or June 14, 2017; whichever comes first. Any preconstruction services required by the CM after the period identified shall be billed at the attached hourly rates. Work is complete or four (4) months thereafter, with the Owner having the option, upon five (5) business days written notice, to extend the term for up to two (2) individual, additional one (1) month terms. In no event, however, shall the term of this Agreement continue for more than six (6) months from the Effective Date. Time is of the essence as to all deadlines set forth in this Agreement. This Agreement shall terminate as of the effective date of the CM contract executed by the parties, if any. Contractor specifically understands and agrees that its performance, in whole or in part, of this Agreement, does not in any manner obligate Owner to later award and execute any contract, of any nature whatsoever, with Contractor.

7. **Payment**. (a) Fees and expenses described in Article 4 shall be billed monthly in arrears. Provided an application for payment and all detailed supporting documentation reasonably

required by Owner is received by the last day of a month, payments shall be made no later than the fifteenth (15th) day of the following month. Otherwise, payments shall be made within twenty (20) days of receipt of the Contractor's application and all required supporting documentation thereto. No payment, however, shall be made unless and until Contractor provides Owner with all documentation supporting and evidencing the hours and other amounts billed, and partial or final releases, as the case may be, from itself and all subcontractors and other entities, if any, providing labor, materials, equipment and/or services to the Project, inform satisfactory to Owner. Certified payroll records for all employees for which reimbursement is sought, shall be supplied to Owner upon request, and made available to the Owner for inspection or audit at the Owner's option at any time during the life of this Agreement, and for a period of three (3) years after final payment. (b) In the event this Agreement is terminated, as provided hereunder, Owner shall, in conformance with Article 14 below, pay Contractor the fees and expenses referenced in Article 4, for all Services completed as of the termination date, minus any substantiated set-offs that Owner may have against Contractor.

8. **Final Payment and Release**. Upon satisfactory completion by the Contractor and acceptance by the Owner of all Services required pursuant to this Agreement, or all Services performed prior to the termination of said Agreement if so terminated, and upon receipt of all required supporting documentation and final releases and claim waivers (in the form satisfactory to Owner) from Contractor and its subcontractors and other entities, if any, providing labor, materials, equipment and/or services to the Project, final payment shall be made to the Contractor. Acceptance by the Contractor of final payment hereunder shall operate as, and shall be a release to the Owner from all claims and liability to the Contractor and its successors, legal representatives, and assigns for anything done or furnished under or arising out of the provisions of this Agreement. No payment, final or otherwise, shall release the Contractor from any obligation under this Agreement.

9. **Confidentiality**. Owner may disclose to Contractor or allow Contractor access to certain information and materials of Owner that are confidential, including without limitation, security and other data that are exempt from public access under Chapter 119, Florida Statutes. Confidential information shall not include information which is within the public domain, or that may lawfully be obtained by Contractor from a third party without an obligation of confidentiality. At all times, both during and after the Term, Contractor shall use said confidential information, if any, with a reasonable degree of care to prevent the unauthorized use, dissemination and publication thereof, so long as such information is clearly identified by Owner as being "Confidential." Notwithstanding the foregoing, Contractor may disclose information that may be considered confidentially exempt to a Court of Law if so ordered by a Court of Competent Jurisdiction.

10. **Standard of Care**. Contractor shall diligently and in good faith carry out its duties under this Agreement. The standard of performance expected of Contractor hereunder is that reasonably and diligently adhered to by a construction company representing itself as experienced in the building construction and construction management, the recommendations and advice of Contractor concerning design alternatives shall be subject to the review and approval of the Owner and the Owner's professional consultants. It is not Contractor's responsibility to ascertain that the Architect's drawings and specifications are in accordance with Applicable Law. However, if Contractor recognizes that portions of the drawings and/or specifications are obviously at variance with Applicable Law, Contractor shall promptly notify the Architect and Owner in writing; provided however, Contractor shall have no liability as to non-compliance of the drawings and specifications with Applicable Law. Contractor shall not be required to provide professional services that constitute the practice of architecture or engineering.

11. **CM Contract**. Concurrently with the performances of Services hereunder, the parties shall negotiate, in good faith, a CM contract. If the parties are able to agree on contract terms, the proposed contract shall be presented to the Town Council for its review and approval. It is understood

and agreed by Contractor that the Town Council, at its sole discretion, and without limiting the generality hereof, may reject, in whole or part, any of the previously negotiated CM contract provisions, and instruct the parties to renegotiate, suspend, or cancel the Project itself, authorize negotiations with another bidder, change the contract format to another project delivery modality. If the Town Council does not award a contract, the Contractor is limited to the compensation addressed herein, without further recourse. Contractor shall not be entitled to any compensation whatsoever for its costs, expenses, and legal fees incurred during the negotiation process.

12. **Notices**. All notices, requests, demands and other papers shall be deemed to have been duly given in writing if delivered personally or if deposited in the United States mail, properly addressed and postage prepaid, (a) if to Owner, at Town of Palm Beach, 360 South County Road, P.O. Box 2029, Palm Beach, FL 33480, Att: Town Manager-Mr. Tom Bradford, and (b) if to Contractor, at Hedrick Brothers Construction, Inc., 2200 Centrepark West Drive, Suite 100, West Palm Beach, Florida, 33409, Att: Mr. Gene Parker, or any other address as may be given by either party by written notice. Such notices, if sent by registered or certified mail, return receipt requested, shall be deemed to have been given at the time of mailing.

13. **Choice of Law, Venue, and Attorney's Fees**. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida. Any litigation arising out of or in connection with this Agreement shall be maintained in a Court of appropriate jurisdiction in Palm Beach County, Florida. In the event of any lawsuit in connection with this Agreement initiated by either Owner or Contractor, the prevailing party shall be entitled to its reasonable attorney's fees and costs at the trial and appellate levels.

14. **Indemnity**. Contractor shall defend and hold Owner harmless against any action, claim, damage, judgment, liability, obligation, penalty, settlement or suit (including but not limited to reasonable fees and disbursements of attorneys and other professionals and para professionals and court costs) arising out of, resulting from or related to this Agreement or the performance of any activities on or for the Property or otherwise related to this Agreement to the extent caused by the fault or negligent acts or omissions of Contractor or its contractors, subcontractors, consultants or anyone for whose actions Contractor or its subcontractors or consultants is legally responsible. Contractor's liability and/or duty under this Article will not be subject to any limit on types or amounts of damages, compensation or benefits payable under worker's compensation, disability benefits or other employee benefit laws, provided, however, that contractor shall not be responsible for indemnifying the owner to the extent that any damage was caused by the negligence, gross negligence, or intentional acts of owner.

15. **Power and Authority**. Contractor certifies that it has the power to enter into this Agreement, to perform its obligations under this Agreement, and to complete the work contemplated by this Agreement. Contractor has taken all partnership, corporate or other actions required to authorize Contractor to execute and deliver this Agreement, to perform its obligations under this Agreement, and to complete the transactions contemplated by this Agreement.

16. **Termination**. If at any time during the term, either party hereto is in default under this Agreement, the non-defaulting party shall have the right to terminate this Agreement upon not less than fifteen (15) days prior written notice to the other party of such termination. Such notice shall specify with particularity the failure(s) to perform and the acts the defaulting party must undertake to remedy such failure(s). If at the conclusion of such fifteen (15) day period, such failure(s) are not cured, then this Agreement shall terminate immediately upon receipt of a second written notice from the non-defaulting party declaring such termination. In addition, as set forth above, Owner may, in its sole discretion, terminate this Agreement for its convenience and without cause, upon written notice to the Contractor, and such termination shall be effective immediately. As set forth above, in the event the Agreement is

terminated, Owner shall pay Contractor only the then earned but unpaid fees and expenses, described in Article 4, for all work completed as of the termination date, minus any substantiated set-offs that Owner may have against Contractor. Contractor shall not be entitled, under any circumstances, to its costs, legal fees, or other expenses arising out of or in connection with the negotiating of the construction contract.

17. **Entire Agreement and Assignment**. This Agreement embodies the entire agreement and understanding between the parties with respect to the subject matter hereof, and to the extent inconsistent therewith, supersedes all other prior agreements, understandings, representations, covenants, oral or written. This Agreement and the obligations of the parties under th is Agreement may be amended, waived or discharged only by an instrument in writing executed by the party against which enforcement of the amendment, waiver or discharge is sought. The provisions of this Agreement shall be binding upon the parties hereto and shall inure to the benefit of their respective successors and permitted assigns. Neither party shall assign this Agreement nor its rights under this Agreement nor delegate responsibility for performance of its obligations under this Agreement absent the prior written consent of the other party.

18. **Ownership of Documents**. All drawings, designs, architectural revisions, take-offs, estimates, schedules, specifications, and any other materials prepared by Architect or Contractor shall be the property of Owner. It is the intention of the parties that the plans and specifications shall be the sole property of Owner whether the Project is completed or not.

19. **Performance and Payment Bonds**. In accordance with 255.05(l) (a), Owner exempts Contractor with respect to this Agreement from the requirement of providing Performance and Payment Bonds.

20. **Insurance**. The Contractor shall obtain and maintain, at its own expense, insurance coverages acceptable to Owner insuring the Owner, Contractor, and their employees, agents, consultants and designees as required herein, which insurance shall incorporate a provision requiring the giving of written Notice to Owner at least thirty (30) calendar days prior to the cancellation, non-renewal or material modification of any such policies as evidenced by return receipt of United States certified mail. The types and policy limits are set forth in Exhibit “B” hereto attached and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date written above.

WITNESS and ATTEST:

_____

OWNER's REPRESENTIVE

By:_____

Printed Name:

Title: _____

WITNESS and ATTEST:

_____

HEDRICK BROTHERS CONSTRUCTION

By:_____

Printed Name_____

Title_____

Approved as to form:

_____
Town Attorney

Recommended by:

_____
Director of Public Works

Exhibit B

INSURANCE REQUIREMENTS

General Liability coverage with limits not less than $5,000,000 per occurrence/$5,000,000 aggregate. Certificate of Insurance shall indicate coverage on an Occurrence Basis only. Claims Made policies will not be accepted. *The Town shall be endorsed as an additional insured* under the General Liability coverage with respects to the job(s) being performed.

Auto Liability coverage, with limits not less than $1,000,000 Each Occurrence Combined Single Limit each accident. Certificate of Insurance shall indicate coverage for Any Auto or Owned Autos/Hired Autos/Non-Owned Autos.

Worker's Compensation coverage with statutory limits.

Employers Liability coverage with limits not less than $100,000 for each accident, $100,000 disease (each employee), and $500,000 disease (policy limit).

A 30-day written notice of cancellation, non-renewal, or modification of any stipulated insurance shall be mailed to the hiring department via registered, return receipt requested mail. Note: 10-day Notice of Non-Payment is acceptable if Certificate of Insurance indicates 30-day notice for cancellation, non-renewal, or modifications.

Umbrella or Excess Liability is required up to the minimum limit of liability if the limits of liability shown on the Certificate of Insurance under General Liability do not meet the minimum limits of liability as required.

Task 1

Pre-construction Progress Meetings	Qty.	U	Unit Cost	Total
Design Review Meetings - 1 every 2 weeks for 3 Months - Included Below	6.0	ea	$0.00	$0
Project Executive	12.0	hrs	$140.00	$1,680
Project Manager	24.0	hrs	$91.00	$2,184
Chief Estimator	24.0	hrs	$101.00	$2,424
Estimator No. 1	24.0	hrs	$81.00	$1,944
Estimator Coordinator	24.0	hrs	$45.00	$1,080
Project Superintendent	16.0	hrs	$71.00	$1,136
Burkhardt Construction	1.0	ls	$0.00	$0
Reproductions of Drawings	1.0	ls	$500.00	$500
Postage - USPS	1.0	ls	$0.00	$0
Postage - Fed-X	1.0	ls	$0.00	$0
Legal Notices	1.0	ls	$0.00	$0
Total Pre-construction Progress Meetings				**$10,948**

Plan Review/Constructability Review/DD Estimate	Qty.	U	Unit Cost	Total
Project Executive	16.0	hrs	$140.00	$2,240
Project Manager	60.0	hrs	$91.00	$5,460
Chief Estimator	60.0	hrs	$101.00	$6,060
Estimator No. 1	60.0	hrs	$81.00	$4,860
Estimator Coordinator	60.0	hrs	$45.00	$2,700
Project Superintendent	16.0	hrs	$71.00	$1,136
Burkhardt Construction	1.0	ls	$2,695.00	$2,695
Reproductions of Drawings	1.0	ls	$1,000.00	$1,000
Postage - USPS	1.0	ls	$0.00	$0
Postage - Fed-X	1.0	ls	$0.00	$0
Legal Notices	1.0	ls	$0.00	$0
Total Plan Review/Constructability Review/DD Estimate				**$26,151**

Total Pre-construction Progress Meetings				**$10,948**
Total Plan Review/Constructability Review/DD Estimate				**$26,151**
Total Preconstruction Subtotal				**$37,099**
Insurance			**1.30%**	**$482**
Constractors Fee			**8.00%**	**$3,007**
Total Preconstruction				**$40,588**
Hedrick Brothers Pre-Construction Contribution				**-$7,500**
Grand Total Preconstruction				**$33,088**
Recommended Contingency to be carried by ToPB				**$6,174**

Task 2

90% Construction Docs / GMP	Qty.	U	Unit Cost	Total
Project Executive	40.0	hrs	$140.00	$5,600
Project Manager	80.0	hrs	$91.00	$7,280
Chief Estimator	80.0	hrs	$101.00	$8,080
Estimator No. 1	120.0	hrs	$81.00	$9,720
Estimator Coordinator	120.0	hrs	$45.00	$5,400
Project Superintendent	24.0	hrs	$71.00	$1,704
Burkhardt Construction	1.0	ls	$5,325.00	$5,325
Reproductions of Drawings	1.0	ls	$1,300.00	$1,300
Postage - USPS	1.0	ls	$100.00	$100
Postage - Fed-X	1.0	ls	$100.00	$100
Legal Notices	2.0	ls	$800.00	$1,600
Total 90% Construction Docs / GMP				**$46,209**

Total 90% Construction Docs / GMP				**$46,209**
Total Preconstruction Subtotal				**$46,209**
Insurance			**1.30%**	**$601**
Constractors Fee			**8.00%**	**$3,745**
Total Preconstruction				**$50,554**
Hedrick Brothers Pre-Construction Contribution				**-$7,500**
Grand Total Preconstruction				**$43,054**
Recommended Contingency to be carried by ToPB				**$0**

Kathleen Dominguez

From: Cheryl Kleen on behalf of Town Council
Sent: Thursday, February 09, 2017 4:46 PM
To: Kathleen Dominguez
Subject: FW: Recreation Center

-----Original Message-----
From: Anne Pepper [mailto:annepepper@mac.com]
Sent: Wednesday, February 08, 2017 7:29 AM
To: Lisa Walkowich <LWalkowich@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Subject: Recreation Center

Dear RAC,
As a neighbor and regular used of the existing recreation center, I support the keeping of the full outdoor basket ball court. I see that space used all the time and as we are in Fl, being outdoors is most important to all of us. There is no need to provide so many indoor spaces. The gymnasium is simply not supportable. The Public School itself determined not to include a gym in their new school. There are already many, many meeting spaces for large groups.
Further, In the new plan, the after school room and the multipurpose room are redundant. The Town's history of over spending on large projects has to stop. This plan is another example of the edifice complex Recreation and its partners are suffering from, as well.
Beth Zicar admitted that the size of the current Rec is not the problem and is obvious to those of us frequent users. Build a new, sustainable structure that is in scale for the usage and the neighborhood. Stop the build it and they will come philosophy which is unrealistic and not what residents want at Seaview.
Thank you,
Anne Pepper
333 Seaspray Ave

Sent from my iPad

Kathleen Dominguez

From: Cheryl Kleen on behalf of Town Council
Sent: Thursday, February 09, 2017 4:46 PM
To: Kathleen Dominguez
Subject: FW: What's the rush to build a new Rec Center?

From: SUSAN WATTS [mailto:sbwatts@yahoo.com]
Sent: Wednesday, February 08, 2017 8:40 AM
To: Lisa Walkowich <LWalkowich@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Subject: What's the rush to build a new Rec Center?

Dear RAC and Town Council members,

The Residents have spoken. A project of the size, cost and potential disruption of our children's lives entailing tearing down the current Recreation Center and building a larger facility should never be undertaken prior to a clear rationale for need, community support and realistic budget controls. Do not let another Town plan take on a life of its own, pushed forward by a small group without community-wide buy-in. We have, again, a recipe for contention, construction headaches, and cost over-runs being laid at the feet of taxpayers and residents, this time to the detriment of our children. Please take another deep breath in reviewing this project; you have listened to us in reducing the size of the Center, but there are many remaining questions before proceeding with a plan that has such a tremendous impact on our daily lives. The addition of a large gymnasium is certainly one element that needs revisiting. I have not heard a realistic explanation as to why this is going to be a community serving or cost effective element of the plan.

Thank you for your continued review and critique of the project before signing off on this new Rec Center plan.
Susan Watts

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Regular Agenda - New Business

Agenda Title
Consideration of Ban on Use of Leaf Blowers in the Town of Palm Beach
TIME CERTAIN: 11:30 A.M.

Time Certain
11:30AM

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated February 3, 2017, From Jay Boodheshwar, Deputy Town Manager**
- **Report Dated January 5, 2017, From Nick Caristo, Police Captain and Ben Alma, Code Enforcement Manager**
- **Email Correspondence Against Leaf Blowers**
- **Email Correspondence in Favor of Leaf Blowers**
- **Email dated January 31, 2017, from Nancy Schroeder**
- **Email dated January 30, 2017, from Susan Wright**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of Ban on Use of Leaf Blowers in the Town of Palm Beach

Date: February 3, 2017

STAFF RECOMMENDATION

Staff recommends Town Council review the report below, as well the attached report provided to the Ordinance, Rules and Standards (ORS) Committee at their January 12, 2017, meeting and provide direction to staff as necessary.

GENERAL INFORMATION

The ORS Committee has studied the potential of recommending a ban on the use of leaf blowers over several meetings, dating back to August 2016.

In addition to receiving feedback from residents and industry representatives at meetings and via emails/letters, ORS has given much thought to the pros and cons to some sort of restrictive regulation on leaf blowers. Prior to requesting a formal ordinance for consideration by Town Council, the Committee is requesting feedback from the Mayor and Town Council on the matter.

Ben Alma, Code Enforcement Manager, presented his research findings at the January 12, 2017, at the ORS meeting relative to regulation of leaf blowers across the country and in communities with similar density, year-round landscaping seasons and socio-economic level as Palm Beach. Attached is a copy of said report. Also attached to this memorandum is a compiled list of communications received by the Town regarding this matter. Included in some of the communications is input on the recommended changes to landscape maintenance equipment hours outlined in Ordinance No. 21-2016 which will also be considered at the February 14, 2017, Town Council Meeting.

Attachments

cc: Department Directors
John C. Randolph, Town Attorney
Nicholas Caristo, Police Captain
Benjamin Alma, Code Enforcement Manager

TOWN OF PALM BEACH
CODE ENFORCEMENT

January 5, 2017

To: Jay Boodheshwar, Deputy Town Manager

From: Nicholas Caristo, Captain – Support Services
Benjamin Alma, Code/Parking Manager

Subject: Leaf Blowers

Currently, the Palm Beach Police Department and its Code Enforcement personnel handle leaf blower issues both proactively, which is when they personally observe hour violations or suspect excessive noise levels, and complaint-based. When a violation is suspected, a calibrated sound meter is utilized at a distance of 50 feet from the operation of the device.

Leaf blower statistics were queried from January 01, 2012 thru 12/31/2016. According to records maintained by Code Enforcement, there were 124 cases involving decibel levels or hours of operation. These cases resulted in (38) citations, (75) verbal warnings, (11) written warnings. Records reflect that the violators were mainly landscape companies. There were no known cases where an actual property owner was cited.

In an effort to assist landscapers with confirming decibel compliance in years past, the Town of Palm Beach implemented a voluntary program where landscaping companies registered their leaf blowers after passing a decibel test. A sticker was then placed on the blower to indicate such. This practice ended years ago. Going forward, Code Enforcement does not recommend implementing this method. As leaf blowers age, they tend to become louder and any previous testing would not be accurate. Currently, most new leaf blowers have a sticker affixed to them advising their dBA levels. However, no matter what a sticker indicates, if an officer believes a device exceeds noise limitations, testing would be conducted.

If a homeowner owns their own leaf blower and allows a worker (not affiliated with a landscape company) to use their equipment, we can test their equipment upon their request if it is not indicated on the device. However, if a complaint is received and its believed to be too loud, the device will be tested again.

As requested by ORS, staff researched multiple communities similar to the socioeconomic status of Palm Beach to determine what, if any, regulations are being placed upon the operation of leaf blowers. Below are our findings:

TOWN OF PALM BEACH
CODE ENFORCEMENT

Belvedere, CA **gas powered restrictions** Population: 2,500 Tel: 415-435-3838	Prohibition against portable gasoline engine powered blowers. It is unlawful for any person within the City limits at any time to operate any portable machine powered with a gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces. (Ord. 2006-3 § 3 (part), 2006; Ord. 87-3 § 1 (part), 1987.)
Beverly Hills, CA **gas powered restrictions** Population: 34,600 Tele: 310-285-1119	The use of gasoline-powered leaf blowers is prohibited by Beverly Hills Municipal Code Section 5-1-209, in an effort to minimize air and noise pollution and that Beverly Hills property owners are responsible for ensuring that gardeners do not violate the City Code. A watering hose should not be used to clear leaves and debris from driveways, sidewalks, and streets
Carmel by the Sea, CA **gas powered restrictions** Population: 3,842 Tel: 831-620-2010	The operation of a combustion engine blower for the purpose of displacing, removing or blowing any materials from or about public or private property in a manner which allows the engine to be heard on public property or causes the materials to be blown into the air in a manner which allows them to settle on public property or on private property not belonging to the same owner of the property on which the blower is being operated is declared to be a public nuisance and unlawful. (Ord. 92-17 § 1, 1992; Ord. 80-4 § 1, 1980; Code 1975 § 699.70).
Del Mar, CA **total ban** Population: 5,000 Tel: 858-755-9313	Portable Engine Motor-powered Leaf Blowers. It shall be unlawful for any person to use or operate within the City, any portable machine, powered with a gasoline engine or electric motor, to blow leaves, dirt and other debris off sidewalks, driveways, lawns, and other surfaces. (Ord. 535) (Response from Del Mar Code Enforcement: Yes, we do gain compliance and unfortunately, I can't say whether or not this is a hardship to landscapers since it's has never been brought to our attention. Patty Malik, Code Enforcement Officer II, City of Del Mar.)
Greenwich, CT **restricted hours** Population: 62,300 Tel: 203-622-7848	Domestic power tools/equipment. No person shall operate or permit the operation of any gasoline-powered leaf blower between 6:00 p.m. and 8:00 a.m. Monday through Friday and between 3:00 p.m. and 9:00 a.m. Saturday, Sunday and Holidays. Section 6B-6
Hermosa Beach, CA **total ban** Population: 19,801 Tel**: 310- 678-3865**	The use or operation or allowing the use or operation of any portable machine powered with a combustion, gasoline or electric powered engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces. Ord.01-1213 §1, Feb. 2001

	(Response from Hermosa Beach Code Enforcement: In regards to the our ban on leaf blowers, it is listed under our prohibited noise section. This means both gas and electric are prohibited. When I worked for the City of Newport Beach, they only had gas powered leaf blowers banned for pollution reasons. It is one of our priority items for enforcement. Either through our proactive patrols or in response to a call. If the gardeners are present we have them stop and let them know about our City code. Ultimately we put the responsibility on the homeowner. We will send them a notice by mail to let them know what we saw or that we received a complaint. In regards to compliance, I would say we have a strong percentage that comply. In the last year I have probably contacted only about 3-4 gardeners and received an additional 2 phone call reports. We are a small town and just like with any new ordinances I would suggest a very public roll out of the new ordinance, start with warning notices, and then active enforcement. I have noticed better compliance when most of the energy is focused on it when it first becomes law and that way residents will get used to it. Our City also prohibits the use of water to wash down walkways, driveways, etc. This prevents gardeners from using a hose to clean. The only recommendations we have for homeowners and gardeners is to rake or sweep the leaves and grass clippings. From my discussions with gardeners I have not heard about any hardships. They have always willingly complied and usually rake. I do not know if they may charge a bit more for labor or for more time as it is not as efficient. Our community of about 20,000 residents mostly is in favor of this ban and if they use a leaf blower it is typically because they did not know about the ban. I hope this helps, let me know if I can be of further assistance. Respectfully, Justin Edson, Code Enforcement Officer ,City of Hermosa Beach.)
Laguna Beach, CA **total ban for leaf blowers** Population: 23,250 Tel: 949-497-0757	No person, while engaged in maintenance of real property, shall operate any tool, equipment or machine in a manner which produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a peace or code enforcement officer, except between the hours

	of eight a.m. and six p.m. Trimming or pruning which requires the use of chainsaws or mulching machines shall only be allowed between the hours of eight a.m. and six p.m. on a weekday, which is not a federal holiday, and between the hours of ten a.m. and five p.m. on a Saturday. Trimming or pruning which requires the use of chainsaws or mulching machines shall not be allowed on Sundays. The use of electrical or gasoline powered blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city limits. Under section: HEALTH AND SANITATION Chapter 7.25 NOISE (Response from Hermosa Beach Code Enforcement: We typically get compliance. I am unaware of whether or not any landscapers have experienced any hardships. Please do not hesitate to contact me should you have any further questions. Best regards, Lillian Irish, Code Enforcement Officer.)
Malibu, CA **gas powered restricted** Population: 12,861 Tel: 310-456-2489, ext. 231	Engines, Motors and Mechanical Devices Near Residential District. Except as provided in paragraph G of this Section regarding construction-related noise, the sustained operation or use between the hours of 10:00 p.m. and 7:00 a.m. of any electric or gasoline powered motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at a distance of 50 feet from such structure, or within 10 feet of any residence. HEALTH AND SAFETY Chapter 8.24 NOISE (Response from Malibu Code Enforcement: Most have transitioned to the electric blowers- No hardships we were aware of in Malibu. *Doug Cleavenger, Senior Code Enforcement Officer, City of Malibu.)*
Palo Alto, CA **gas powered restricted residential** Population: 66,642 Tel: 650-323-4232	Referred to David Schrom of Magic, Inc. 381 Oxford Avenue Palo Alto, CA. (Response: Under Section 9.10.60, Gas-powered leaf blowers may not be used in any residential zones by anyone including residents. Electric leaf blowers (no internal combustion engines) may be used only during the following hours: Monday – Friday 9 am – 5 pm. Saturday 10 am – 4 pm.

	Sundays and Holidays not allowed. All residents are also prohibited from using gas-powered leaf blowers. If the violator is the resident/ homeowner they will receive the citation, but if the violator is the gardener then they will receive the citation. No hardships we were aware of)
Santa Barbara, CA **residential zone ban** Population: 90,412 Tel: 805-564-5502	PROHIBITION IN RESIDENTIAL ZONES: It is unlawful for any person to operate a leaf blower within two hundred fifty feet (250') of any residential zone, before 9:00 A.M. or after 5:00 P.M. Monday through Saturday, or at any time on Sundays or national holidays, provided that the City Parks and Recreation Department employees shall be allowed to use leaf blowers between the hours of 7:00 A.M. and 9:00 A.M. Monday through Saturday when cleaning parking lots adjacent to the City's Beachfront parks. Section: 9.16.050 (Response from Santa Barbara Code Enforcement: Santa Barbara's ban on gas-powered leaf blowers went into effect many years ago, and enforcement is handled on a complaint basis. Today, while many blower operators use electric units, many do not. George Buell, Code Manager)
Village of East Hampton, NY **restricted hours** Population: 21,400 Tel: 631-324-3858	Prohibited noises: During the period from June 1 to the second Friday in December of each year, the use or operation of any gas- or diesel-powered lawn care equipment, leaf blower, lawn mower or trimmer by a homeowner or tenant on his or her own property other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, or between the hours of 8:00 a.m. and 3:00 p.m. on Saturday or between the hours of 9:00 a.m. and 3:00 p.m. on Sunday or any federal holiday; and, during the period from June 1 to the second Friday in December each year, the use or operation of any gas- or diesel-powered lawn care equipment, leaf blower, lawn mower or trimmer by any person other than a homeowner or tenant on his or her own property on Sundays and federal holidays and except between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:00 p.m. on Saturday. The provisions of this subsection shall not apply to the use of gas- or diesel-powered landscaping equipment by a municipality on municipal property or by a membership club on a golf course. Section: 196-1
West Hollywood, CA **gas powered restriction** Population: 35,000	*Leaf Blowers.* The use or operation or allowing the use or operation of any portable machine powered with a combustion or gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces. Section: 9.08.050

Tel: 323-848-6516	(Response from West Hollywood Code Enforcement: As to hardships to landscapers, None that I know of. I have been here 22 years and it has always been illegal. Jeffery Aubel, Code Manager.)
** Town of Palm Beach-Public Works	*Purchased a GB 500 electric leaf blower with batteries for approximately $580. Noise test performed by Code on 9/09/16. Three separate readings were taken at distances of 50' the average reading was 58 Dba.* *Gas powered leaf blower ECHO - PB770H, was tested by Code on 9/15/16, the average reading was 75.*

NOTE: The Town's Public Works Department recently purchased a GB 500 electric leaf blower with batteries for approximately $580. Noise testing was performed by Code on 9/09/16. Three separate readings were taken at distances of 50' and the average reading was 58 Dba.

Gas powered leaf blower ECHO - PB770H, was also tested by Code on 9/15/16, and the average reading was 75.

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:52 AM
To: Town Manager
Subject: Fwd: No more blowers!

---------- Forwarded message ----------
From: "Sally Ricca" <sallyricca@gmail.com>
Date: Aug 7, 2016 10:46 AM
Subject: No more blowers!
To: <noblowers@gmail.com>
Cc:

Please add our names to the Cease and Desist Blowers on Palm Beach!
They are Noisy, and polluting our air and moving debris from one yard to the next!
It IS time!

Sally and Brooks Ricca
Dunbar Road

Sally Ricca
Sent from my iPad

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:51 AM
To: Town Manager
Subject: Fwd: Blowers

---------- Forwarded message ----------
From: "Kiwi Hilliard" <kiwibird48@gmail.com>
Date: Aug 7, 2016 11:26 AM
Subject: Blowers
To: <noblowers@gmail.com>
Cc:

It would be wonderful not to hear the incessant leaf blower in Palm Beach. However if you are unable to accomplish this,the town could place strict rules on their use. There are new blowers that are much quieter and the landscapers are not replacing their older ones with them. Also the time of day for their use could be set and enforced as well as no weekend use. Good luck!

Kiwi Hilliard
325 S. Lake Drive
Palm Beach, Fl 33480

561 868-7868(H)
516 669-1589 (C)

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:51 AM
To: Town Manager
Subject: Fwd: Ban the leaf blowers

---------- Forwarded message ----------
From: "Joyce Vaughn" <clojoy@me.com>
Date: Aug 7, 2016 12:57 PM
Subject: Ban the leaf blowers
To: <noblowers@gmail.com>
Cc:

Yes, it is our turn to ban those very noisy leaf blowers,
and I am all for it. Often in our neighborhood, Algoma,
Palma and Kings Roads there are three or four going at once
on the different properties. It's not only deafening, but I
believe it will cause the so called gardener harm to his hearing,
let alone mine!

I am sorry I am not free on that particular Monday morning.
But I am very happy to hear that, once again, there is an attempt
to put a stop to this for once and all.

Sincerely,

Joyce Vaughn
561 655 0771

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:50 AM
To: Town Manager
Subject: Fwd: leaf blowers

---------- Forwarded message ----------
From: <donnadaniele2@aol.com>
Date: Aug 7, 2016 2:43 PM
Subject: leaf blowers
To: <noblowers@gmail.com>
Cc:

To all,

I wish to support this effort to ban leaf blowers from the Town of Palm Beach. I live on the Lake block of Peruvian Ave and regardless of the day it never seems to be quiet. I hope to attend the meeting on August 15, however in the event I can't attend I wish to express my complete support.

Everyday I walk in the early morning and as I make the turn onto Worth from Cocoanut Row I am assaulted by the sound of maintenance men blasting the few leaves from the properties on the West End of Worth opposite the Everglades Club. They then continue the battle to the other side, lest the two or more rogue leaves pursue in the quest to hold their position. Continuing East I often venture into a swat team of two leaf blowers who have both sides of Worth Ave. surrounded. Their command post is in front of Taboo and directly opposite across the street. Please note all these maneuvers are taking place before 8:00 am.

This Sunday morning (today) as I walked on Peruvian I was astounded to see and HEAR the sound of a leaf blower coming from the Preservation Society entrance. I repeat "Sunday." Yikes, even God took a day off!

Along with the philosophical question of how many angels are there on the head of a pin, this scenario begs the question: where do these leaves go? Leaf hell?

It would seem a wiser path would require property owners and shops to hose down the sidewalks as is done in many cities and towns worldwide. In addition to wiping out our enemy leaves it could also aid in eliminating the dog excrement and urine that seems to make it's way to our lovely Tabby sidewalks that run the length of Worth Avenue.

It is truly inconceivable that in any civilized society, particularly one with zero lot lines, that this noise and air polluting practice continues. I offer my support and any effort that I may provide to eliminate this assault to the senses.

Thank you for your kind attention to this matter,

Sincerly,
Donna Daniele

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:50 AM
To: Town Manager
Subject: Fwd: I don't like leaf blowers....

---------- Forwarded message ----------
From: "Eric Leiner" <ericl@metallix.com>
Date: Aug 7, 2016 3:39 PM
Subject: I don't like leaf blowers....
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

They are very high powered so they create a lot of noise and blow a lot of particulate into the air.

I assume if leaf blowers were banned, landscapers would have to manually clean properties. That could take a lot more time to do the job.

Eric Leiner
Seaspray Ave

Sent from my iPad

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:49 AM
To: Town Manager
Subject: Fwd: No Blowers

---------- Forwarded message ----------
From: <richardsulman@aol.com>
Date: Aug 9, 2016 11:42 AM
Subject: No Blowers
To: <noblowers@gmail.com>
Cc:

Good morning: We agree with a ban on leaf blowers. They liter and blow into the neighbors yards as well as being noisy. You have our support. Helen and Richard Sulman.

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:49 AM
To: Town Manager
Subject: Fwd: Thank you!

---------- Forwarded message ----------
From: <MARCIACKAY@aol.com>
Date: Aug 7, 2016 5:17 PM
Subject: Thank you!
To: <noblowers@gmail.com>
Cc:

Thank you for being pro-active about leaf blowers.
I have to leave Paradise to find out what peace and quiet is. The noise here is constant, horrendous, and unnecessary.
Thank you for doing what you can.
A Palm Beach resident

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:48 AM
To: Town Manager
Subject: Fwd: Yes! Ban leaf blowers.

---------- Forwarded message ----------
From: "Maria Collier" <maria.collier@gmail.com>
Date: Aug 8, 2016 7:26 AM
Subject: Yes! Ban leaf blowers.
To: <noblowers@gmail.com>
Cc:

I completely agree. Thank you for your effort to stop the noise pollution.

Maria Collier
1240 N Ocean Way
Palm Beach, Fl 33480

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:48 AM
To: Town Manager
Subject: Fwd: Thank you!

---------- Forwarded message ----------
From: <MARCIACKAY@aol.com>
Date: Aug 7, 2016 5:17 PM
Subject: Thank you!
To: <noblowers@gmail.com>
Cc:

Thank you for being pro-active about leaf blowers.
I have to leave Paradise to find out what peace and quiet is. The noise here is constant, horrendous, and unnecessary.
Thank you for doing what you can.
A Palm Beach resident

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:47 AM
To: Town Manager
Subject: Fwd: No Blowers

---------- Forwarded message ----------
From: <richardsulman@aol.com>
Date: Aug 9, 2016 11:42 AM
Subject: No Blowers
To: <noblowers@gmail.com>
Cc:

Good morning: We agree with a ban on leaf blowers. They liter and blow into the neighbors yards as well as being noisy. You have our support. Helen and Richard Sulman.

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:47 AM
To: Town Manager
Subject: Fwd: ban on leaf blowers in Palm Beach, Florida

---------- Forwarded message ----------
From: "Kevin Dougherty" <kd@crimsonpartners.net>
Date: Aug 9, 2016 2:11 PM
Subject: ban on leaf blowers in Palm Beach, Florida
To: <noblowers@gmail.com>
Cc:

To whom it may concern:

I **strongly** encourage the Ordinances, Rules, and Standards Committee to adopt a **ban** on the use of leaf blowers in the Town of Palm Beach.

They contribute greatly to noise pollution especially in residential areas robbing the residents of the quiet enjoyment of our island.

Thank you for considering my opinion.

R .Kevin Dougherty
285 Orange Grove Road
Palm Beach, Florida 33480

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:47 AM
To: Town Manager
Subject: Fwd: We support you!

---------- Forwarded message ----------
From: <susankgary@aol.com>
Date: Aug 11, 2016 4:39 PM
Subject: We support you!
To: <noblowers@gmail.com>
Cc:

Dear sir:

We absolutely support your idea to "ban the blowers".

We will attend the meeting on Monday to express our opinion.

Thank you for getting this effort organized.

Best regards

Susan and Brad Gary
(Cell: 703.226.9410)

Sent from my iPhone

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:46 AM
To: Town Manager
Subject: Fwd: leaf blowers

---------- Forwarded message ----------
From: "Preston, Andrew" <Andrew.Preston@tomasmaier.com>
Date: Aug 18, 2016 9:33 AM
Subject: leaf blowers
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

Hello,

Is there a petition to sign or letter to be sent? Please let us know how we can help ban leaf blowers in PB.

Thank you

Andrew Preston & Tomas Maier

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:46 AM
To: Town Manager
Subject: Fwd: Please NO BLOWERS

---------- Forwarded message ----------
From: "Joyce Vaughn" <jvclojoy@gmail.com>
Date: Dec 13, 2016 4:56 PM
Subject: Please NO BLOWERS
To: <noblowers@gmail.com>
Cc:

It's about time these irritating contraptions are banned from the Town of Palm Beach. Leaf Blowers are disgusting. I have watched the so-called gardeners blowing leaves from one side of the road to the other and leaving them there to blow about the minute they leave.

Please NO MORE NOISE

Joyce Vaughn
112 Algoma Road

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:46 AM
To: Town Manager
Subject: Fwd:

---------- Forwarded message ----------
From: "no blowers no blowers" <noblowers@gmail.com>
Date: Dec 13, 2016 3:55 PM
Subject:
To: <letters@pbdailynews.com>
Cc:

To the residents of Palm Beach ,

The issue considering the ban of leafblowers in the town of Palm Beach comes before the Rules and Ordinances Committee Tuesday Jan . 10 th. If you would like to accomplish this it is very important that you send an email to : noblowers@gmail.com stating this . Be sure to include your name and address . The town has been dealing with this nuisance for 25 years with very little progress . Let's get this accomplished once and for all . If anyone is able to attend the meeting at 9 : 30 a.m at the town hall it would be greatly appreciated .

sincerely ,
Lou Guyott
149 Everglade Ave
5613073239

Pam Myers

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:46 AM
To: Town Manager
Subject: Fwd: No blowers Ordinance

---------- Forwarded message ----------
From: "Rita Sullivan" <rita.sullivan@yahoo.com>
Date: Dec 14, 2016 8:49 AM
Subject: No blowers Ordinance
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

To Rules and Ordinances Committee

We need to have an immediate ban on blowers in Palm Beach for a number of reasons:

- Blowers are a nuisance
  - Create noise pollution
  - Create air pollution
- Blowers are a hazard
  - To the blower operators as often they work along the road and can't hear incoming traffic
  - To drivers as blower operators walk in front of traffic oblivious to incoming vehicles
  - To operators and passersby as debris fly and can get into someone's eyes or cause other injuries
- Blowers interfere with the enjoyment of our homes and neighborhoods
  - I have to keep windows closed and stay indoors several days of the week while yard work is being performed in, and around, my street
  - Create friction among neighbors as yard workers blow debris from one property into their neighbors' patios, yards, pools and driveways

I know it may be more cost efficient for the yard maintenance companies to use blowers, but we are their customers and we are the residents and our health, rights and comfort should be placed before their convenience.

I strongly support any ordinance that will ban blowers anywhere, but I feel particularly strong about banning blowers in Palm Beach.

Respectfully submitted,

Rita Sullivan
1305 North Ocean Way
Palm Beach, FL 33480

Phone: 561 842 1818

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:45 AM
To: Town Manager
Subject: Fwd: Noisy and Disruptive

---------- Forwarded message ----------
From: "Neil Aronstam" <naronstam@imontime.com>
Date: Dec 18, 2016 8:29 AM
Subject: Noisy and Disruptive
To: <noblowers@gmail.com>
Cc:

No more noisy blowers, please.
Neil Aronstam

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:45 AM
To: Town Manager
Subject: Fwd: Leaf Blowers

---------- Forwarded message ----------
From: "Mary Harrington" <maryharrypb@gmail.com>
Date: Dec 18, 2016 9:46 AM
Subject: Leaf Blowers
To: <noblowers@gmail.com>
Cc:

Please ban leaf blowers in Palm Beach.
Thank you,
Mary Harrington

Sent from my iPad

Mary Harrington

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:45 AM
To: Town Manager
Subject: Fwd:

---------- Forwarded message ----------
From: "Basil Vasiliou" <basilkvasiliou@gmail.com>
Date: Dec 18, 2016 10:40 AM
Subject:
To: <noblowers@gmail.com>
Cc: "Basil Vasiliou" <basilkvasiliou@gmail.com>

I am the owner of 114 Seaspray. Either ban the blowers or enforce a noise restriction where blowers are permitted if they meet a very low noise volume (these exist) test. Regards, Basil Vasiliou

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:44 AM
To: Town Manager
Subject: Fwd: I support the Ban!

---------- Forwarded message ----------
From: "Dennis R Hammond" <drhammond@sandpointe.com>
Date: Dec 18, 2016 11:02 AM
Subject: I support the Ban!
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

Lou Guyott--

My name is Dennis Hammond. My wife, Shelia, and I are townies, living at 110 Clarke Ave. We totally support the ban of leal blowers in the Town of Palm Beach. The loud and irksome noise of these machines is especially irritating on weekends and Holidays.
As in many communities, they should be banned entirely and replaced with rakes and other quiet and peaceable yard implements which will accomplish the same objectives without disturbing the peace and quiet of our Town.

Sincerely,

Dennis R. Hammond
CEO
SandPointe, LLC

777 S. Flagler Drive | West Tower, Suite 1800 | West Palm Beach, FL 33401
Tel: 561.501.1100 | Fax: 561.655.9157

drhammond@sandpointe.com | www.SandPointe.com

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Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:44 AM
To: Town Manager
Subject: Fwd: Please ...no blowers

---------- Forwarded message ----------
From: "Diana Vought" <dianavought@gmail.com>
Date: Dec 18, 2016 11:04 AM
Subject: Please ...no blowers
To: <noblowers@gmail.com>
Cc:

Diana Vought
Senior Associate
The Corcoran Group
Westhampton Beach, NY
Direct 631-723-4412
Mobile 917-453-6301

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:43 AM
To: Town Manager
Subject: Fwd: Support for the Leaf Blower Ban

---------- Forwarded message ----------
From: "Bob Josephberg" <bob@nhcorp.com>
Date: Dec 18, 2016 1:13 PM
Subject: Support for the Leaf Blower Ban
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

I am in favor of the leaf blower ban in Palm Beach. It is an important Quality of Life issue. Thank you. Bob Josephberg, 313 Clarke Avenue.

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Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:43 AM
To: Town Manager
Subject: Fwd: Ban blowers

---------- Forwarded message ----------
From: "Joann Hassan" <joannh513@gmail.com>
Date: Dec 22, 2016 9:32 AM
Subject: Ban blowers
To: <noblowers@gmail.com>
Cc: "glo1226@aol.com" <Glo1226@aol.com>, "vivian reiss" <vivre62@gmail.com>

Please ban leaf blowers in Palm Beach!!!
JoAnn hassan
2774 south Ocean Blvd.
Palm Beach fl

Sent from my iPhone

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:42 AM
To: Town Manager
Subject: Fwd: Leaf blower ban

---------- Forwarded message ----------
From: "Colleen M Rogers" <cmmrogers@bellsouth.net>
Date: Dec 22, 2016 12:16 PM
Subject: Leaf blower ban
To: <noblowers@gmail.com>
Cc:

My husband, Doug, and I heartily endorse the ban. Leaf blowers are a terrible nuisance resulting in unnecessary noise pollution.
We have banned their use on our property, but must still contend with the noise from our neighbors' properties.
Doug and Colleen Rogers
109 Atlantic Avenue
Palm Beach
Sent from my iPad

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:42 AM
To: Town Manager
Subject: Fwd: Leaf Blowers

---------- Forwarded message ----------
From: "no blowers no blowers" <noblowers@gmail.com>
Date: Dec 24, 2016 3:51 PM
Subject: Fwd: Leaf Blowers
To: "Pam Myers" <ttta1@att.net>
Cc:

---------- Forwarded message ----------
From: "Elfriede Welch" <elfipb@aol.com>
Date: Dec 24, 2016 11:04 AM
Subject: Leaf Blowers
To: <noblowers@gmail.com>
Cc:

To whom it may concern:

Please follow through with the banning of leaf blowers in Palm Beach.

They're terribly nosy and unsanitary as they blow soot, grass, dirt, and garbage into the air we breath.

As a matter of fact I saw a yardman using a leaf blower the other day wearing a breathing mask and ear plugs!

Thanks,

Elfi

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:42 AM
To: Town Manager
Subject: Fwd: Leaf blower ban

---------- Forwarded message ----------
From: "Maryanna" <maryannaz313@gmail.com>
Date: Dec 26, 2016 9:30 PM
Subject: Leaf blower ban
To: <noblowers@gmail.com>
Cc:

We support the leaf blower ban proposal.
The noise level disturbance is disruptive to our island's daily life.
The blowers move the leaves and debris from one place to another.
Is anything ever collected and removed?

A more efficient way with less noise would be an option.

Thank you,
Mary Ann Zovko
Jaap Hilbrand

Thank you,

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Support for ban on leaf blowers
Date: Wednesday, February 01, 2017 7:20:51 AM

---------- Forwarded message ----------
From: "Denise Berrigan" <dberrigan@gmail.com>
Date: Jan 31, 2017 10:05 PM
Subject: Support for ban on leaf blowers
To: <noblowers@gmail.com>
Cc:

To whom it may concern,

I am in support of the ban on leaf blowers. The problem is that every yard tends to have a different day designated for landscaping work, so there is never one day where it is peaceful and quiet. Because the yards here are relatively small, you can hear everything and on top of that - the town owned sidewalks are maintained by a different company on another day which adds one more day of noise. There never appears to be silence.

I agree with the ban and am happy to support this effort in any way possible.

Thank you,
Denise Berrigan
Resident of Palm Beach

Board of Directors
Howard Rosenbloom, President
Gerald Heller, Vice President
Sidney Lassen, Secretary
Irwin Shechtman, Treasurer
Gerald Gilberg
Jack Sussman
Richard Sharfman

THE 2770
A Condominium

2770 South Ocean Boulevard Palm Beach, Florida 33480 Tel: (561) 547-0268 Fax: (561) 547-1593

January 10, 2017

Town Council of Palm Beach and the
Ordinances, Rules and Standards Committee
360 South County Road
Palm Beach Florida 33480

Dear Council and Committee Members:

On February 14th the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! We are also requesting that the ORS Committee continue to keep the hours the same as they are -- please do not change them.

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft -- do not place additional restrictions on our landscapers. All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Sincerely,

The 2770 Condominium Association, Inc.

Cheryl Hoste, PCAM
Association Manager

TOWN OF PALM BEACH
JAN 24 2017
Town Manager's Office

From: Bobbie
To: Jay Boodheshwar; Tom Bradford; Cheryl Kleen
Subject: Fwd: leaf blowers
Date: Friday, January 27, 2017 5:17:36 PM

Please forward to M&TC. Thank you.

Sent from my iPhone
561-797-9405

Begin forwarded message:

> **From:** Dragana Connaughton <draganaconnaughton@gmail.com>
> **Date:** January 27, 2017 at 2:34:27 PM EST
> **To:** Bobbie Lindsay <lindsaybobbie@gmail.com>
> **Subject: leaf blowers**
>
> Bobbie please know that Richard and I are 100% in favor of banning leaf blowers. The Town has tried unsuccessfully to ban them for the past 25 years. When you live in a high density area the noise level is unbearable. Our lots are just too small and to close to one another that the noise of blowers, are all around you. It is particular evident as we have had cooler weather and enjoying the open windows, only being forced to close them because of the constant noise. Between all the construction and the leaf blowers, Palm Beach has become a very noisy place to live. There is no peaceful quite enjoyment of your own backyard. I have been watching gardeners for years just blowing leaves into the street or onto a neighbors property without every picking them up. So with the first wind, the leaves are everywhere. Also they are dangerous as so many times the gardeners are out in the street or on the bike trail and can not hear approaching traffic. I have had leaves blown into my face on the bike trail on several occasions. Gardeners are blasting the blowers through the hedges onto the bike trail onto unsuspecting pedestrians. I believe for larger properties with lower density the blowers could be allowed where they were not disturbing their neighbors. Also perhaps during times of extreme weather which requires major cleanup. Otherwise the old fashion, rake, broom and hose should work just fine. Most of our properties in the north end are small and this really should not be a hardship. Also I would like to mention that perhaps at some point we can address the issues of the double trailers that all landscapers now own. Their vehicles have totally taken over our narrow streets and makes driving and navigating very hazardous. The worst is Mondays in the north end when palm fronds and grass cuttings are permitted on the street. Almost every street is blocked with multiple landscaping vehicles with trailers and piles of debris. There just has to be a better way. I understand that the trailers were necessary as lawn equipment was being stolen but Palm Beacher's are not stealing their lawnmowers. I feel they have created a hardship for those of us who live here. I am constantly asking for the gardeners not to block my driveway or the roads as you can not pass. I think that is a worthy conversation to have. thank you Dragana
> --

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Leaf Blowers
Date: Monday, January 30, 2017 5:00:44 PM

---------- Forwarded message ----------
From: "Dragana Connaughton" <draganaconnaughton@gmail.com>
Date: Jan 30, 2017 3:14 PM
Subject: Leaf Blowers
To: <noblowers@gmail.com>
Cc:

Richard and Dragana Connaughton are in favor of banning the leaf blowers. We have tried unsuccessfully since the early 90's. Thank you for taking the lead on this Dragana Connaughton

From:	Jay Boodheshwar
To:	Cheryl Kleen
Subject:	FW: Leaf Blowers
Date:	Wednesday, January 25, 2017 3:25:48 PM

Jay Boodheshwar
Deputy Town Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: Bobbie Lindsay
Sent: Wednesday, January 25, 2017 3:00 PM
To: TM Assistant <TMAssistant@TownofPalmBeach.com>; Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>
Subject: Fwd: Leaf Blowers

FYI

Begin forwarded message:

From: John Corey <johncorey84@gmail.com>
Subject: Leaf Blowers
Date: January 19, 2017 at 4:14:32 PM EST
To: Bobbie Lindsay-Buck

Bobbie:

Just wanted to pass along a thought for the next council meeting when the leaf blower ban will come up. If you hit resistance, one option would be to do a 6 month pilot program. Try before we buy. Not many people can fight that and it is sensible. Personally, I think they should be banned based on noise and pollution without the pilot, but just in case, that could be an option.

Talk soon!

JDC

John David Corey
426 Australian Avenue
Palm Beach, FL 33480

From: no blowers no blowers
To: Town Manager
Subject: Fwd: leaf blowers
Date: Friday, December 30, 2016 10:50:19 AM

---------- Forwarded message ----------
From: <donnadaniele2@aol.com>
Date: Aug 7, 2016 2:43 PM
Subject: leaf blowers
To: <noblowers@gmail.com>
Cc:

To all,

I wish to support this effort to ban leaf blowers from the Town of Palm Beach. I live on the Lake block of Peruvian Ave and regardless of the day it never seems to be quiet. I hope to attend the meeting on August 15, however in the event I can't attend I wish to express my complete support.

Everyday I walk in the early morning and as I make the turn onto Worth from Cocoanut Row I am assaulted by the sound of maintenance men blasting the few leaves from the properties on the West End of Worth opposite the Everglades Club. They then continue the battle to the other side, lest the two or more rogue leaves pursue in the quest to hold their position. Continuing East I often venture into a swat team of two leaf blowers who have both sides of Worth Ave. surrounded. Their command post is in front of Taboo and directly opposite across the street. Please note all these maneuvers are taking place before 8:00 am.

This Sunday morning (today) as I walked on Peruvian I was astounded to see and HEAR the sound of a leaf blower coming from the Preservation Society entrance. I repeat "Sunday." Yikes, even God took a day off!

Along with the philosophical question of how many angels are there on the head of a pin, this scenario begs the question: where do these leaves go? Leaf hell?

It would seem a wiser path would require property owners and shops to hose down the sidewalks as is done in many cities and towns worldwide. In addition to wiping out our enemy leaves it could also aid in eliminating the dog excrement and urine that seems to make it's way to our lovely Tabby sidewalks that run the length of Worth Avenue.

It is truly inconceivable that in any civilized society, particularly one with zero lot lines, that this noise and air polluting practice continues. I offer my support and any effort that I may provide to eliminate this assault to the senses.

Thank you for your kind attention to this matter,

Sincerly,
Donna Daniele

From: louis guyott
To: Cheryl Kleen
Subject: Fwd: leaf blowers cont"d.....
Date: Tuesday, January 31, 2017 5:06:08 PM

---------- Forwarded message ----------
From: "Elfriede Welch" <elfipb@aol.com>
Date: Jan 31, 2017 4:47 PM
Subject: Fwd: leaf blowers cont'd.....
To: <louisguyott93@gmail.com>
Cc:

-----Original Message-----
From: vsanders vsanders <vsanders@sympatico.ca>
To: leafblowers <leafblowers@gmail.com>; elfipb <elfipb@aol.com>
Sent: Tue, Jan 31, 2017 3:15 pm
Subject: Fwd: Re: Fwd: leaf blowers cont'd.....

To leafblowers. From Veronica Sanders.

> ---------- Original Message ----------
> From: vsanders vsanders <vsanders@sympatico.ca>
> To: Elfriede Welch <elfipb@aol.com>
> Date: January 31, 2017 at 3:12 PM
> Subject: Re: Fwd: leaf blowers cont'd.....
>
> Hi Elfi,
> Not sure that you need a letter from me since I think that Donna has hit the
> nail right on the head.
> Leaf blowing is simply that...leaf blowing. It would perhaps make a tiny bit
> of
> sense if the debris from the blowing ended up in bags and was carted away
> however that^s not the case and so, as Donna points out, leaf blowing is not
> acheiving anything at all except making loud horrible noise and emitting
> sickening fumes. When they are blowing away in the building opposite mine, 369
> S
> Lake drive, I have to close all the windows to block out both the noise as
> well
> as the toxic fumes.
> I applaud your efforts and am 100% for a total ban.
> Best, Veronica.
>
> > ---------- Original Message ----------
> > From: Elfriede Welch <elfipb@aol.com>
> > Date: January 31, 2017 at 2:59 PM
> >
> >
> >
> >
> >
> >
> > -----Original Message-----

> > From: Donna Daniele <donnadaniele2@aol.com>
> > To: elfipb <elfipb@aol.com>
> > Sent: Tue, Jan 31, 2017 11:29 am
> > Subject: Fwd: leaf blowers cont'd.....
> >
> >
> >
> > This is a copy of the letter I sent fyi
> >
> > regards
> >
> >
> > Donna Daniele
> >
> >
> >
> >
> > -----Original Message-----
> > From: Donna Daniele <donnadaniele2@aol.com>
> > To: leafblowers <leafblowers@gmail.com>
> > Sent: Tue, Jan 31, 2017 11:27 am
> > Subject: leaf blowers cont'd.....
> >
> >
> >
> > To All,
> >
> >
> > Just a note to say that after attending the Code meeting on Jan 19 and
> > hearing
> > from all involved this seems to be the take away:
> >
> >
> > 1. There seems to be more of an outpouring of residents who want to end the
> > constant onslaught of leaf blower noise and little if no requests to "turn
> > up
> > the volume"
> >
> >
> > 2. If the objective of leaf blowing is to remove leaves from a property, the
> > outcome is a failure. Blowing leaves to the periphery of your neighbor's
> > property or into the gutters of our sidewalks is not accomplishing the goal.
> > Removing leaves should not be confused with the "moving of leaves"
> >
> >
> > 3. While all agree landscapers perform a valuable service here in town, let
> > us
> > not forget who the client is. Their argument that more trucks and laborers
> > will result if leaf blowers are banned is not in any way compelling, seeming
> > more like a not so subtle threat.
> >
> >
> > In the past two weeks there seems to be a reduction in leaf blower noise
> > which
> > may or may not be an attempt to minimize the issue. Please let us not be
> > lulled into forgetting what an ongoing nuisance these leaf blowers present.
> > Leaf blower noise should not be the constant ambient background of an Island

> > as lovely as ours. "Peaceful" is one of the many things that once defined
> > Palm
> > Beach.
> >
> >
> > I thank all of you who have put in the time and effort in bringing to the
> > forefront this major nuisance affecting the quality of life in our Town.
> > While some issues facing the Town currently may seem large and overwhelming
> > this relatively speaking is an easy call:
> > BAN THE BLOWERS!
> >
> >
> > Again, many thanks to you all,
> >
> >
> > Donna Daniele
> >
> >
> >
> >

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Stop leaf and debris blowing
Date: Thursday, January 19, 2017 12:34:29 PM

---------- Forwarded message ----------
From: "no blowers no blowers" <noblowers@gmail.com>
Date: Jan 19, 2017 12:33 PM
Subject: Fwd: Stop leaf and debris blowing
To: <louisguyott93@gmail.com>
Cc:

---------- Forwarded message ----------
From: "Lynn Day" <ljdmdc@gmail.com>
Date: Jan 18, 2017 9:56 PM
Subject: Stop leaf and debris blowing
To: <noblowers@gmail.com>
Cc:

Lynn Day
44 Cocoanut Row #320A
Palm Beach 33480

From:	Jay Boodheshwar
To:	Cheryl Kleen
Subject:	FW: "leaf blowers"
Date:	Wednesday, January 25, 2017 3:25:40 PM

Jay Boodheshwar
Deputy Town Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: Bobbie Lindsay
Sent: Wednesday, January 25, 2017 2:46 PM
To: Bobbie Lindsay <BLindsay@TownofPalmBeach.com>
Cc: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>
Subject: Fwd: "leaf blowers"

Begin forwarded message:

From: "Douglas Buck" <douglasjbuck@gmail.com>
Subject: FW: "leaf blowers"
Date: January 16, 2017 at 11:36:14 AM EST
To: "'Bobbie'"

From: alan@alandewey.com [mailto:alan@alandewey.com]
Sent: Saturday, January 14, 2017 5:24 AM
To: Douglas Buck <douglasjbuck@gmail.com>
Subject: "leaf blowers"

Hello Doug !

Happy New Year !

I saw Bobbie's name in this article about leaf blowers. I hope they do get banned and that the idea quickly spreads across the nation.

For twenty years I have never referred to them as "leaf blowers"; they are "**weed spreaders**" !!!!!

Process to create more work for 'landscapers'

1. use 'weed eater' to loosen weed seeds from the weed plant
2. use weed spreader to blow the seeds over the property line onto neighbor's lawn.

"Weed eater" is another intentionally misleading term; they do not eat weeds, they do not kill weeds; they just cut up much of the portion of the weed that is above ground, doing nothing to the roots, etc. So the weed quickly regenerates, produces more seeds so the landscaper can spread more weed seeds again next week.

The landscapers argue that weed spreaders reduce costs. I think that is rare. Back when I worked at Sensormatic in Boca Raton, my cubicle was along the windows on the front of the building. I would watch the people work with the hedges, flowers, mulch, use the weed spreader to blow debris out onto the grass. Then the grass cutters would cut grass and blow the debris back onto the mulch around the flowers. Add into that, the weed spreaders being used to 'clean the parking lot', they just blew the garbage onto the lawn! They never vacuum, sweep, or anything, yet they think they are cleaing up; they are just moving stuff from one place to another.

Alan Dewey
Delray Beach, Florida

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Ban Blowers
Date: Monday, January 30, 2017 5:02:29 PM

---------- Forwarded message ----------
From: "Dewing, Jay" <jay.dewing@sothebyshomes.com>
Date: Jan 30, 2017 1:56 PM
Subject: Ban Blowers
To: <noblowers@gmail.com>
Cc:

I am in favor of banning leaf blowers on Palm Beach.
John Dewing
156 Dolphin Rd.

Sent from my iPhone

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July 29, 2016

Town of Palm Beach
Ordinances Rules and Standards Committee
Bobbie Lindsay
Danielle Moore

Dear Gentlewomen,

The use of leaf blowers is before your committee and we support a complete ban. The town attempted to control them from a noise level point of view a few years ago to no avail.
We have done extensive research over the past year and learned that over four hundred cities and towns across the country have successfully banned the use of leaf blowers. Carmel was the first in 1975. Additional towns and cities include Beverly Hills in 1976, Santa Monica in 1986, Los Angeles in 1998, Aspen in 2003, Rye, N.Y. in 2008, and Coral Gables in 2013. More and more cities and towns are taking up this issue every year.
We could overwhelm the committee with all the studies from the EPA on the ill effects of the noise and pollution from these machines. The attached reports from Greenwich and Sacramento outline the primary health and noise hazards.
Mt. Sinai Hospital reports on the detrimental effects upon young children, older adults, and those with asthma and compromised immune systems. The negative research goes on and on.
As shown, the use of leaf blowers can be stopped. It's time to act. Let's stop leaf blowers in the town of Palm Beach.
We thank you for your consideration,

Louis Guyott
149 Everglades Avenue
Palm Beach, FL 33480

Pamela Acheson Myers
135 Chilean Avenue
Palm Beach, FL 33480

Eric S. Smith

130 Sunrise Ave. P.B. 732 619-500

Grace Brown

257 Oleander Avenue
Palm Beach, Florida 33480

Paulette Koch
PAULETTE Koch
132 El Brazil
Palm Beach 33480

Sergio de Araujo

330 Cocoanut Row, 2C
Palm Beach, Fl. 33480

Elfriede Welch
Elfriede Welch
227 Australian Ave. PB.

Keithley R. Miller
Keithley R Miller
227 Australian Ave. PB

Michael B. Harris
227 Australian Ave. 5E
Palm Beach, FL 33480

Ryan M. Gair
227 Australian Ave #5E
Palm Beach, FL 33480

From: Sylvia
To: Town Council
Subject: Ban of leaf blowers
Date: Monday, January 30, 2017 3:07:25 PM

We support the ban on leaf blowers in the town of Palm Beach for all the obvious reasons mentioned in the proposed ordinance.

Sylvia and Paul Heiner
167 Dolphin Rd
Palm Beach, Fl 33480

Sent from my iPad

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:51 AM
To: Town Manager
Subject: Fwd: Blowers

---------- Forwarded message ----------
From: "Kiwi Hilliard" <kiwibird48@gmail.com>
Date: Aug 7, 2016 11:26 AM
Subject: Blowers
To: <noblowers@gmail.com>
Cc:

It would be wonderful not to hear the incessant leaf blower in Palm Beach. However if you are unable to accomplish this,the town could place strict rules on their use. There are new blowers that are much quieter and the landscapers are not replacing their older ones with them. Also the time of day for their use could be set and enforced as well as no weekend use. Good luck!

Kiwi Hilliard
325 S. Lake Drive
Palm Beach, Fl 33480

561 868-7868(H)
516 669-1589 (C)

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Ban of leaf blowers in Palm Beach
Date: Tuesday, January 31, 2017 7:38:55 PM

---------- Forwarded message ----------
From: "Jill Kaufman" <jillbradandkids1@bellsouth.net>
Date: Jan 31, 2017 5:27 PM
Subject: Ban of leaf blowers in Palm Beach
To: <noblowers@gmail.com>
Cc:

I support the total ban of leaf blowers in Palm Beach. Jill Kaufman, 151 Seagate Road, Palm Beach, FL 33480.

Sent from my iPad

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Ban of leaf blowers in Palm Beach
Date: Tuesday, January 31, 2017 7:38:55 PM

---------- Forwarded message ----------
From: "Jill Kaufman" <jillbradandkids1@bellsouth.net>
Date: Jan 31, 2017 5:27 PM
Subject: Ban of leaf blowers in Palm Beach
To: <noblowers@gmail.com>
Cc:

I support the total ban of leaf blowers in Palm Beach. Jill Kaufman, 151 Seagate Road, Palm Beach, FL 33480.

Sent from my iPad

LAURA H. KLEIN

January 17, 2017

Dear Mr. Bradford,

I am writing in regard to the proposed ban on leaf blowers and to say that I am an avid supporter of that ban. I am certain that I can't say anything that hasn't been said before so I will be brief. We all know that this will be the sixth time in the past eighteen years to come before town council to no avail. Many other towns have banned them with great success - why can't Palm Beach? We should not be intimidated or influenced by landscaping owners - after all, it is they who work for us.

I live at 130 Seaspray Ave. where I've lived for twenty years. The houses in midtown are close to one another. When the lawn people are at my house, behind me or on either side, I am forced to close all windows and doors or have the smell of gasoline in my house for at least thirty minutes after they've departed. It's nauseating not to mention unhealthy and annoying. Enough is enough. It's time for the blowers to go!

We pay a lot of money to live in this beautiful town. Please give us the clean peace and quiet that everyone deserves.

Most sincerely,
Laura H. Klein

Please send copies to Mayor Coniglio and Town Council. Thank you.

TOWN OF PALM BEACH
JAN 17 2017
Town Manager's Office

From: no blowers no blowers
To: Town Manager
Subject: Fwd: I don"t like leaf blowers....
Date: Friday, December 30, 2016 10:49:58 AM

---------- Forwarded message ----------
From: "Eric Leiner" <ericl@metallix.com>
Date: Aug 7, 2016 3:39 PM
Subject: I don't like leaf blowers....
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

They are very high powered so they create a lot of noise and blow a lot of particulate into the air.

I assume if leaf blowers were banned, landscapers would have to manually clean properties. That could take a lot more time to do the job.

Eric Leiner
Seaspray Ave

Sent from my iPad

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd:
Date: Monday, January 30, 2017 5:01:08 PM

---------- Forwarded message ----------
From: "Lomench, Ira" <ira.lomench@ml.com>
Date: Jan 30, 2017 2:26 PM
Subject:
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

Please, no more leaf blowers

Ira Lomench

Senior Vice President-Wealth Management

Senior Financial Advisor

Merrill Lynch Pierce, Fenner & Smith, Inc.

249 Royal Palm Way

Suite 200

Palm Beach, Florida 33480

561 - 650 -7380

1-800-937-0396

NMLS # 1067402

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Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Thursday, January 05, 2017 8:52 PM
To: Cheryl Kleen
Subject: Fwd: Leaf blowers

---------- Forwarded message ----------
From: "Frank Lourenso" <lourensobkr@verizon.net>
Date: Jan 5, 2017 8:18 PM
Subject: Leaf blowers
To: <noblowers@gmail.com>
Cc:

We would like to go on record and let it be known that we support the banning of leaf blowers in Palm Beach county. Frank Lourenso & Irene Lourenso

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, January 06, 2017 8:31 AM
To: Cheryl Kleen
Subject: Fwd: Stop!

---------- Forwarded message ----------
From: "Susan Robbins" <suebellerobbins@icloud.com>
Date: Jan 6, 2017 8:27 AM
Subject: Stop!
To: <noblowers@gmail.com>
Cc:

Please stop!
This is so disturbing to our entitled enjoyment of our quality of life.
Thank you,
Suebelle Robbins

Suebelle Robbins
617-921-6333
from my iPhone

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Saturday, January 07, 2017 12:38 PM
To: Cheryl Kleen
Subject: Fwd: No blowers please

---------- Forwarded message ----------
From: "Maria Hamilton" <mariahamilton614@gmail.com>
Date: Jan 6, 2017 6:11 PM
Subject: No blowers please
To: <noblowers@gmail.com>
Cc:

I'm a resident of Palm Beach and want to add my name to the list of residents wanting to ban the use of blowers. I live at 217 Seabreeze Ave and my Gardner does all our gardening without the use of an annoying blower. Please stop this nuisance. It's constant and unnecessary and unhealthy.
Thank you,
~Maria~

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Saturday, January 07, 2017 12:39 PM
To: Cheryl Kleen
Subject: Fwd: Blowers

---------- Forwarded message ----------
From: "Teri Swift" <teri.ardleigh@me.com>
Date: Jan 6, 2017 10:32 AM
Subject: Blowers
To: <noblowers@gmail.com>
Cc:

This is a request to stop the use of leaf blowers or at least limit their usage, especially the vey high powered ones.

They are noisy and create a high level of dust and allergies.

Sincerely
Teri
Teri Swift
173 Peruvian Ave
Palm Beach, FL
33480

Sent from my iPhone

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Saturday, January 07, 2017 12:39 PM
To: Cheryl Kleen
Subject: Fwd:

---------- Forwarded message ----------
From: <9143880952@mms.att.net>
Date: Jan 6, 2017 8:31 AM
Subject:
To: <noblowers@gmail.com>
Cc:

Yes I would like to ban blowers in Palm Beach. Tony Pantano @ 130 Sunrise Ave, apt # 418 Palm Beach.

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Sunday, January 08, 2017 10:33 AM
To: Cheryl Kleen
Subject: Fwd: noise from leaf blowers

---------- Forwarded message ----------
From: "Michele de Araujo" <michele.dearaujo@gmail.com>
Date: Jan 7, 2017 6:55 PM
Subject: noise from leaf blowers
To: <noblowers@gmail.com>
Cc:

I am whole heartedly endorsing the idea of, at the very least, restricting the use of leaf blowers in Palm Beach. They are at present over used.

Michele de Araujo
330 Cocoanut Row Apt. 2c
Palm Beach, Fl. 33480

Thank you.

Michele de Araujo

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Sunday, January 08, 2017 10:33 AM
To: Cheryl Kleen
Subject: Fwd: Another voice

---------- Forwarded message ----------
From: "Sergio de Araujo" <dearaujo.sergio@gmail.com>
Date: Jan 7, 2017 5:36 PM
Subject: Another voice
To: <noblowers@gmail.com>
Cc:

Please add my endorsement of this idea of which I feel strongly about. Thank you,

Sergio de Araujo
330 Cocoanut Row, 2C
Palm Beach

Sent from my iPhone

From: no blowers no blowers
To: Town Manager
Subject: Fwd: Thank you!
Date: Friday, December 30, 2016 10:48:52 AM

---------- Forwarded message ----------
From: <MARCIACKAY@aol.com>
Date: Aug 7, 2016 5:17 PM
Subject: Thank you!
To: <noblowers@gmail.com>
Cc:

Thank you for being pro-active about leaf blowers.
I have to leave Paradise to find out what peace and quiet is. The noise here is constant, horrendous, and unnecessary.
Thank you for doing what you can.
A Palm Beach resident

From: Jay Boodheshwar
To: Cheryl Kleen
Subject: Fwd: Ban on Leaf Blowers
Date: Wednesday, January 25, 2017 9:43:54 PM

Jay Boodheshwar
Deputy Town Manager
Town of Palm Beach

Sent from my iPhone

Begin forwarded message:

> **From:** Bobbie Lindsay
> **Date:** January 25, 2017 at 9:17:14 PM EST
> **To:** Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>, Tom Bradford <tbradford@townofpalmbeach.com>
> **Cc:** <BLindsay@TownofPalmBeach.com>
> **Subject: Fwd: Ban on Leaf Blowers**
>
> Hello, please forward to the M & TC. Thank you. Bobbie
>
> > Begin forwarded message:
> >
> > **From:** Catherine Miller <catalinamiller@comcast.net>
> > **Subject: Ban on Leaf Blowers**
> > **Date:** January 25, 2017 at 4:56:01 PM EST
> >
> > I agree with banning leaf blowers in Palm Beach. Not only are leaf blowers noisy and disruptive to every day life in Palm Beach, they are unhealthy for those who suffer from allergies, like myself. The tiny particles such as weed cuttings, insecticides, fertilizers and pollen become airborne in seconds!
> >
> > Sincerely,
> >
> > Cat Miller
> > 270 Queens Lane
> >
> > Sent from my iPad

Cheryl Kleen

From: no blowers no blowers <noblowers@gmail.com>
Sent: Friday, December 30, 2016 10:52 AM
To: Town Manager
Subject: Fwd: No more blowers!

---------- Forwarded message ----------
From: "Sally Ricca" <sallyricca@gmail.com>
Date: Aug 7, 2016 10:46 AM
Subject: No more blowers!
To: <noblowers@gmail.com>
Cc:

Please add our names to the Cease and Desist Blowers on Palm Beach!
They are Noisy, and polluting our air and moving debris from one yard to the next!
It IS time!

Sally and Brooks Ricca
Dunbar Road

Sally Ricca
Sent from my iPad

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: We support the Ban on Leafblowers
Date: Thursday, January 19, 2017 10:12:19 PM

---------- Forwarded message ----------
From: "Morris Saffer" <msaffer@saffer.ca>
Date: Jan 12, 2017 4:08 PM
Subject: We support the Ban on Leafblowers
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc: "Vivian" <vivsaf@yahoo.com>

Vivian and Morris Saffer
130 Everglade Ave,Palm Beach,FL 33480

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd:
Date: Thursday, February 02, 2017 7:40:56 AM

---------- Forwarded message ----------
From: "LINDA SALANDRA-DWECK" <llsd33480@icloud.com>
Date: Feb 2, 2017 6:43 AM
Subject:
To: <Noblowers@gmail.com>
Cc:

I am against the use of leaf blowers in Palm Beach.

Linda Salandra
10 Via Los Incas
33480

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: No Blowers
Date: Monday, January 30, 2017 5:01:26 PM

---------- Forwarded message ----------
From: "Joel Scott" <joel@windermere.com>
Date: Jan 30, 2017 2:06 PM
Subject: No Blowers
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

To Whom It May Concern,

Please ban gas and electric blowers in the Town of Palm Beach in residential neighborhoods.

Thank You,

Joel Scott

Homeowner
210 Manana Lane
Palm Beach, FL
561-848-3144

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: ban the blowers
Date: Monday, January 30, 2017 5:00:25 PM

---------- Forwarded message ----------
From: "Scott, Jane" <jane.scott@sothebyshomes.com>
Date: Jan 30, 2017 4:41 PM
Subject: ban the blowers
To: <noblowers@gmail.com>
Cc:

Please ban the blowers, they are a health hazard, an environmental hazard and a the noise is relentless and unnecessary.

Jane Scott 210 Manana Lane Palm Beach, Fl. 33480

Jane

Jane Lindsay Scott

Associate Broker

Sotheby's International Realty

340 Royal Poinciana Way, Suite 337

Palm Beach, Fl 33480

direct 561-568-9800

fax-561-273-4036

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From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: PLEASE ban the blowers
Date: Monday, January 30, 2017 5:02:09 PM

---------- Forwarded message ----------
From: "Scott, Jane" <jane.scott@sothebyshomes.com>
Date: Jan 30, 2017 1:57 PM
Subject: PLEASE ban the blowers
To: <noblowers@gmail.com>
Cc:

Dear Mayor Coniglio and Town Council members,

I am in favor of banning the blowers due to the impact on health, environment and peace of mind.

Thanks

Jane

Jane Lindsay Scott

Associate Broker

Sotheby's International Realty

340 Royal Poinciana Way, Suite 337

Palm Beach, Fl 33480

direct 561-568-9800

fax-561-273-4036

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From:	Jay Boodheshwar
To:	Cheryl Kleen
Subject:	Fwd: Online Form Submittal: TELL THE TOWN-would like to say yes to abolishing [the vote coming up in town] leaf blowing machines in Palm Beach!!
Date:	Friday, January 27, 2017 8:11:22 AM

Please add this communication to the list of comments from the public regarding leaf blowers. Thank you.

_____
Jay Boodheshwar
Deputy Town Manager
Town of Palm Beach

Sent from my iPhone

Begin forwarded message:

From: Benjamin Alma <BAlma@PalmBeachPolice.com>
Date: January 27, 2017 at 8:05:41 AM EST
To: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>
Subject: FW: Online Form Submittal: TELL THE TOWN-would like to say yes to abolishing [the vote coming up in town] leaf blowing machines in Palm Beach!!

Begin forwarded message:

From: <noreply@civicplus.com>
Date: January 26, 2017 at 5:55:22 PM EST
To: <curtiskrauel@townofpalmbeach.com>, <ncaristo@townofpalmbeach.com>
Subject: Online Form Submittal: TELL THE TOWN

TELL THE TOWN

The Town of Palm Beach wants to hear from you. Please use the form below to let us know if you have a concern you'd like for us to look into or a compliment you'd like to give to one of our employees. Should a problem require urgent attention, please call us immediately. For a police or medical emergency, dial 911. Otherwise, call (561)-838-5454. Thank you for your assistance!

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Palm Beach are public records. Under Florida law e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail. Instead, contact the Town department you are attempting to reach by phone.

Contact Information

First Name	sally

Last Name	smithgall
Address1	421 brazilian ave
Address2	*Field not completed.*
City	palm beach
State	fl
Zip	33480
Phone Number	*Field not completed.*
Email Address	sgsmithgall@gmail.com
Please indicate the nature of your communication by checking the appropriate box below:	
	Noise Nuisance
Brief Description	leaf blowers!
Location of Concern (Provide street address if possible)	would like to say yes to abolishing [the vote coming up in town] leaf blowing machines in Palm Beach!!
Upload a Photo	*Field not completed.*

Email not displaying correctly? View it in your browser.

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Ban life blowers!
Date: Sunday, January 22, 2017 8:37:43 PM

---------- Forwarded message ----------
From: "Linda Sosnowitz" <sosnowitz@gmail.com>
Date: Jan 22, 2017 5:48 PM
Subject: Ban life blowers!
To: <noblowers@gmail.com>
Cc:

Please!!!!! Linda Sosnowitz. 2500 South Ocean Blvd. PB. 33480

Pro-gun is anti-life

From: no blowers no blowers
To: Town Manager
Subject: Fwd: No Blowers
Date: Friday, December 30, 2016 10:49:27 AM

---------- Forwarded message ----------
From: <richardsulman@aol.com>
Date: Aug 9, 2016 11:42 AM
Subject: No Blowers
To: <noblowers@gmail.com>
Cc:

Good morning: We agree with a ban on leaf blowers. They liter and blow into the neighbors yards as well as being noisy. You have our support. Helen and Richard Sulman.

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: PLEASE
Date: Thursday, January 26, 2017 2:47:45 PM

---------- Forwarded message ----------
From: "Joyce Vaughn" <clojoy@me.com>
Date: Jan 26, 2017 11:30 AM
Subject: PLEASE
To: "no blowers no blowers" <noblowers@gmail.com>
Cc:

I do hope the Council finds it reasonable to ban those blowers.
Plus the gas powered hedge trimmers.

I just watched a "gardener" with his high powered leaf blower
blowing from a rental property on Algoma Road on to an empty
lot that's for sale next to my house. I asked him why
he thought that was OK. He said "is it your property?" He just
didn't want to "litter" the property he was working on by leaving it
in front of their house.

It's so annoying. I told my gardeners last week that the council might
ban the leaf blowers. Today they arrived with rakes. That was pleasing.
Plus I have aluminum sticks with steel ends that pick up large and small
leaves, and I deposit them in a bin. It's wonderful exercise on a
cool Florida morning. They are called Litter Gitter, and
I bought them at Hall's Hardware years ago. You see them used in the
parks in London. Where leaf blowers would NEVER be allowed.

http://littergitter.com/

Joyce (Vaughn)

From: no blowers no blowers
To: Town Manager
Subject: Fwd: Ban the leaf blowers
Date: Friday, December 30, 2016 10:50:46 AM

---------- Forwarded message ----------
From: "Joyce Vaughn" <clojoy@me.com>
Date: Aug 7, 2016 12:57 PM
Subject: Ban the leaf blowers
To: <noblowers@gmail.com>
Cc:

Yes, it is our turn to ban those very noisy leaf blowers,
and I am all for it. Often in our neighborhood, Algoma,
Palma and Kings Roads there are three or four going at once
on the different properties. It's not only deafening, but I
believe it will cause the so called gardener harm to his hearing,
let alone mine!

I am sorry I am not free on that particular Monday morning.
But I am very happy to hear that, once again, there is an attempt
to put a stop to this for once and all.

Sincerely,

Joyce Vaughn
561 655 0771

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Leaf Blowers
Date: Sunday, January 22, 2017 8:37:05 PM

---------- Forwarded message ----------
From: "CCW" <craigcwebster@gmail.com>
Date: Jan 22, 2017 6:06 PM
Subject: Leaf Blowers
To: <noblowers@gmail.com>
Cc:

Please consider my support to NO LEAF BLOWERS.

Craig Chalres Webster
2500 S Ocean Blvd Apt 2D2
Palm Beach, Florida 33480

Kind Regards, Craig

From: louis guyott
To: Cheryl Kleen
Subject: Fwd: leaf blowers
Date: Tuesday, January 31, 2017 5:05:47 PM

---------- Forwarded message ----------
From: "Elfriede Welch" <elfipb@aol.com>
Date: Jan 31, 2017 4:45 PM
Subject: Fwd: leaf blowers
To: <louisguyott93@gmail.com>
Cc:

-----Original Message-----
From: Elfriede Welch <elfipb@aol.com>
To: leafblowers <leafblowers@gmail.com>
Sent: Tue, Jan 31, 2017 4:41 pm
Subject: Fwd: leaf blowers

Subject: leaf blowers

To whom it may concern:

Regarding the matter of the leaf blowers, it has been argued – successfully in my opinion – that they create an unbearable amount of noise and disturb Palm Beach residents what seems to be all day long somewhere or another. However, there is another matter that is equally if not more important to the well-being of the residents. I have suffered from asthma much of my adult life and need fresh air as much as I can get it. However, with a handful of large properties located around my condo there is an incessant usage of leaf blowers around me. These blowers don't simply "move" leaves from side to side but also throw up dust, dirt, soot, pollen, etc. into the air we breathe. In particular, those with respiratory issues, are thrown into fits of sneezing and coughing along with general breathing problems. This is a constant misery that can be so simply be avoided by eliminating the use of leaf blowers. Please be so kind as to consider this when voting on the ban. I live in Palm Beach year-around and it seems like a never ending cycle of dust bowls and having to stay indoors to avoid them.

Thank you for your time and consideration.

Best regards,
Elfi

This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: no blowers no blowers
To: Cheryl Kleen
Subject: Fwd: Ban the Blowers
Date: Wednesday, February 01, 2017 7:13:14 PM

---------- Forwarded message ----------
From: "orator woodward" <oratorw@yahoo.com>
Date: Feb 1, 2017 6:13 PM
Subject: Ban the Blowers
To: "noblowers@gmail.com" <noblowers@gmail.com>
Cc:

I am in favor of banning the noisy gas powered leaf blowers,
electric ones are quiet, and are preferable
Orator Woodward

3200, Inc.
A Condominium
3200 South Ocean Boulevard
Palm Beach, Florida 33480

condo3200@yahoo.com
Phone: 561-588-8769
Fax: 561-586-0814

TOWN OF PALM BEACH
JAN 27 2017
Town Manager's Office

January 25, 2017

Town Council of Palm Beach and the
Ordinances, Rules and Standards Committee
360 South County Road
Palm Beach Florida 33480

Dear Council and Committee Members:

On February 14th, the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! We are also requesting that the ORS Committee continue to keep the hours the same as they are -- please do not change them.

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft -- do not place additional restrictions on our landscapers. All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Respectfully yours,

Walter Allan

Walt Allan, LCAM
Property Manager
3200, Inc.



TOWN OF PALM BEACH
FEB 08 2017
Town Manager's Office

2-1-17

Town Council of Palm Beach and the
Ordinances, Rules and Standards Committee
360 South County Road
Palm Beach Florida 33480

Dear Council and Committee Members:

On February 14th the members of the Council will be voting on a total prohibition/ban of leaf blowers in the Town. **PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS.** If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished!

There is currently an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft. -- do not place additional restrictions on our landscapers. The Condominiums require our properties to look nice and we do not need additional increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach just ask the condominium owners.

Regards,

Bram Majtlis, President
The Reef Condominium Association, Inc.
2275 South Ocean Blvd.
Palm Beach, FL 33480

cc: mayor@townofpalmbeach.com

From: Cindy Anderson
To: Town Council
Subject: Leaf Blowers
Date: Wednesday, February 08, 2017 5:38:10 PM

Town Council,

I would like to weigh in on the leaf blower topic. Please do not ban leaf blowers! I think it's a very bad idea. I personally have never been bothered by mine or my neighbors leaf blowers. Our landscaping fees will be going way up from this action. Please(!!) don't do this.

Cindy Anderson

From:	Peter Barresi
To:	Town Council
Cc:	Cindy Anderson; Nancy Schroeder; ellen bowler; nightwind41808@gmail.com; deannasdavis@aol.com; Teri Ardleigh; George Brittain; Brook Brittain; Carole Koeppel
Subject:	Leaf blowers
Date:	Monday, January 30, 2017 9:22:11 PM

Dear Council,

I am against the idea of banning leaf blowers in the Town of Palm Beach.

A member of the council has stated that residents will not mind paying more for silence? Then have that council member pay for my 50% increase in weekly yard fees? That council member can choose to have her property raked instead of mechanically blown. She can pay more for her own property.

Is this a ban for the sake of peace and tranquility or because leaf blowers burn fossil fuels? Have any of you ever stood on the lake trail in the north end and watched the pollution from the cruise ship, from the Power Plant? Do you hear the non stop beeping and noise from the industry on the other side of the lake? What about the non-stop traffic (noise and pollutants) from tradesman building new, modern homes that are more energy efficient than the homes they replace? How are you going to stop the growth and development in West Palm Beach? How are you going to stop the growth and development in the state of Florida?

"Leaf Blowers perform functions that other equipment and tools cannot handle as effectively such as cleaning areas covered by rock, mulch, gravel, and bark with minimal disturbance and allow for service to be completed much faster which keeps maintenance costs down. The alternative is returning to the use of brooms and water (this would create an additional cost to our clients) to properly clean finer grit and debris. This would generate an increase in man hours and the cost to provide landscape maintenance services, as well as increased water bills.

Other industries, including demolition, renovations, construction, underground utilities and road work will not be subjected to the new working hours regardless of the noise generated by their equipment. THE NEW REGULATIONS SPECIFICALLY TARGET LANDSCAPERS AND GARDENERS ONLY.

As Green Industry professionals, we are against the new restrictions currently under consideration."

How will such a ban be enforced? Are police going to be called to the site of a leaf blowing incident? Don't they have public safety to worry about? Aren't our police already stretched too thin with the wandering bands of distraction theft gangs, DUI enforcement, etc. etc.? We have the best police force of any small town in America. Chief Blouin and his Department are incredible.

Shouldn't the council be more concerned with whether our police and fire departments have all the staffing and resources they need to keep town resident safe? Shouldn't that be a bigger priority? Here are some quality of life issues to consider?

- Dog poop everywhere!
- Lack of yielding to pedestrians in crosswalks from motor vehicles.
- Refusal to alert self to pedestrians from cyclists and other moving devices on the lake trail (already law).

- FSS 316.2065 paragraph 10 states,

  > A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

- Few cars come to a complete stop at ANY stop sign in town, especially on cross town streets, heading east and connecting to S. Ocean boulevard.
- Stop signs and street signs grossly impaired by hedges on almost every street in town.
- Medical waste and other debris on our beaches (from the inlet to the farthest southern point).
- Distraction crimes.
- Cyclists being hit by distracted drivers..
- Speeding on town roads - (Many streets have signs on residential property asking drivers to slow down.)
- Onerous laws restricting commercial and residential property owners from making improvements to their property. Can anyone disagree that the enhancements to the Royal Poiniaca Plaza are a huge improvement to what existed?
- etc. etc.

It seems that members of the council have their priorities out of whack. Focus on the real quality of life issues affecting all residents and not "pet projects" of a few.

Best,
Peter

TOWN OF PALM BEACH
JAN 26 2017
Town Manager's Office

Island House

354 Chilean Avenue
Palm Beach, Florida 33480

Tel (561) 655-7805 Fax (561) 655-7806

Dear Council and Committee Members:

On February 14th the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! Leaves and debris will also clogg street drains adding to the problem we already face in midtown areas. We are also requesting that the ORS Committee continue to keep the hours the same as they are -- please do not change them.

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft. -- do not place additional restrictions on our landscapers. All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Very truly yours,

1-23-17

Craig Barreuther LCAM
Property Manager

From: Yvonne Beroud
To: Town Council
Cc: Scott Lewis; Mary C. Martindale
Subject: Blower ordinance
Date: Wednesday, January 25, 2017 3:52:34 PM

My name is Mrs Hulitar. I live at 980 North Ocean Blv. My number is 561 -844-4309. I want to vote against the ban on blowers and the reduction of time for the landscapers to work. Since I don't use the computer I give my consent for my gardener to email this for me. I WANT TO BE HEARD. I DO NOT AGREE WITH THE PROPOSED BAN Thank you, Mrs Hulitar

Yvonne Beroud
561.386.5139
Scott Lewis Gardening and Trimming, Inc.

From: Harold Blumenstein
To: Gail Coniglio; Town Council
Subject: RE: Ordinance under consideration to further restrict Landscaper working hours.
Date: Wednesday, January 25, 2017 3:36:19 PM

Dear Mayor and Council Members,

I am writing to encourage you to defeat the Ordinance that is being considered on February 14th. My reasons are as follows;

1) Since the landscaper hours would be restricted beyond what other service providers would have, it is discrimination.
2) Palm Beach is a beautiful Island and the landscaping that contributes to that beauty requires constant maintenance and it would make it more difficult to maintain that standard in fewer hours, particularly during the rapid growth in the Summer months.
3) I believe, from the informal polling that I have done that this is not an issue for the vast majority, but the complaint of a few cranky people.
4) If you are inclined to support this Ordinance, I would suggest that you place it on the Ballot for the next election and get the true feeling of the Island residents as opposed the few residents that speak the loudest and complain the most.

Thank you for your consideration.

Harold and Penny Blumenstein
650 North County Road
Palm Beach, FL 33480

From:	Harold Blumenstein
To:	Town Council
Subject:	BAN REDUCING THE ALLOWABLE HOURS THAT LANDSCAPERS CAN USE POWER EQUIPMENT DURING THE OFF SEASON.
Date:	Tuesday, October 04, 2016 12:08:37 PM

To Members of the Town Council,

I am writing to express my opposition to the alteration of the allowable hours that landscapers can use power equipment
My reasons are as follow:

1) Beautiful landscaping is one of the distinguishing features of the Town of Palm Beach.
2) The hours of the ability of Landscapers to maintain this condition are already limited both by ordinance and weather.
3) The justification to leaving the hours as they are, which allows for modestly more work in the off-season is that the off season is when most of the plant growth occurs.
4) Whenever weather damages our trees and plants, we anxiously wait until this growth period occurs so the damage can be repaired.
5) That time is also when much of the rain occurs, which already limits the ability of landscapers to get things done.
6) Additionally, this change will only apply to landscapers and not to other equipment users, which is very discriminatory.

This seems very like a very wrongminded change, and is almost as if a small group of people have a vendetta against Landscapers.

I am certain that a vote of the residents of Palm Beach would not approve this change.

Thank you,

Harold Blumenstein
650 North County Road
Palm Beach, FL 33480

February 7, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, Florida 33480

To Whom It May Concern,

In response to the recent consideration of increasing restrictions of the operating hours of landscapers and gardeners on the island, I kindly request the dismissal of the proposed adjustment.

In support of the beautification of the island, the restriction of the working hours of landscapers and gardeners will begin the process of deterioration and devalue the beautification of the island due to the lack of time needed to perform the necessary task required for maintenance.

The elimination of leaf blowers will further complicate the issue referenced above. The operation of leaf blowers allow for a timely method for removal of debris, rocks, mulch and other material that are not visibly appealing. With the elimination of such equipment and the addition of the reduction of working hours, the effects will prove to be negative.

With the purchase of leaf blowers that operate at a lower decibel of sound, the noise issue could be addressed and resolved.

I request the Town Council of Palm Beach consider other options to resolve the issues other than total elimination of operating equipment and the reduction of working hours.

Thank you in advance for your time and consideration regarding these matters.

Sincerely,

EL VEDADO, LLC

Ramon W. Breeden, Jr.
100 El Vedado Road
Palm Beach, Florida 33480

TOWN OF PALM BEACH
FEB 09 2017
Town Manager's Office

February 7, 2017

Town Council of Palm Beach
360 South County Road
Palm Beach, Florida 33480

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Sincerely,

EL VEDADO, LLC

Ramon W. Breeden, Jr.
100 El Vedado Road
Palm Beach, Florida 33480

From:	mjchristiano@comcast.net
To:	Town Council
Cc:	mjchristiano
Subject:	Potential Blower Ban and Restricted Hours for Landscapers
Date:	Wednesday, November 02, 2016 4:02:26 PM

Dear Council Members:

On November 8th, you will be making a critical decision regarding the potential ban on leaf blowers and major restrictions on landscaper and gardener work allowances on Saturdays. Let me first point out that either one of these new restrictions will forever change the efficiency that we in the green industry can provide our Palm Beach clients.

The proposed ban on blowers will be catastrophic to the overall cleanliness and tidy appearance of our gardens, streets, walkways, etc. There is no way that sweeping or vacuuming can keep things in order the way a blower does. Everyone has become accustomed to the perfectly clean hard surfaces and the clean bedding areas that are signature Palm Beach.

The other major issue is the ability to work on Saturdays. No work on Saturdays would mean that we will never be on-time with our work. Saturday work has always helped us catch up from the Town's observed holidays that we cannot work and rain days. Saturday work may be the most important work day of all because no one schedules anything on a Saturday. Saturday is a day that is mainly set aside only for catch-up or "it has to get done this week" purposes. We would have no contingency plan without it.

I have been gardening exclusively on this island for more than 30 years. I can assure you that a ban on blowers and Saturday work will change things for the worse. It's hard enough to tell my clients that we can't work on President's Day. I would hate to tell my clients that I cannot blow off their walk way, etc. before a big social event, especially on a Saturday.

Thank you for your consideration in this matter.

Respectfully,
Michael J Christiano

From:	mjchristiano@comcast.net
To:	Town Council
Cc:	mjchristiano
Subject:	Potential Blower Ban and Restricted Hours for Landscapers
Date:	Wednesday, November 02, 2016 4:02:26 PM

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Thank you for your consideration in this matter.

Respectfully,
Michael J Christiano

Cheryl Kleen

From: Pat Gayle-Gordon on behalf of Town Council
Sent: Monday, January 23, 2017 9:02 AM
To: Jay Boodheshwar; Cheryl Kleen
Subject: FW: Upcoming Leaf Blower Vote

From: manager@bellariacondo.com [mailto:manager@bellariacondo.com]
Sent: Friday, January 20, 2017 3:27 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: Upcoming Leaf Blower Vote

Dear Council and Committee Members:

On February 14th, the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! It would impossible to complete the landscape service at Bellaria Condominium in the allotted time without the use of leaf blowers. We are also requesting that the ORS Committee continue to keep the hours the same as they are -- please do not change them.

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft. -- do not place additional restrictions on our landscapers. All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Very truly yours,

Heath D. Chute
General Manager
Bellaria Condominium
3000 South Ocean Blvd
Palm Beach, FL 33480
561-540-2505
561-540-6208-fax
manager@bellariacondo.com
www.bellariacondo.com

From: Neil Corkery
To: Town Council
Subject: Noise is Noise petition
Date: Thursday, February 02, 2017 4:55:31 PM

Dear Sir
I am a resident of Palm Beach (address 120 Chilean Ave) and am writing to register my strong objection to the proposed ban of leafblowers and reduced working hours for landscapers and gardeners.
All this proposed ordinance will do is significantly increase the cost of these services to us residents of Palm Beach.

Neil Corkery
Opposed to the ban on leafblowers

From: Gail Coniglio
To: Cheryl Kleen
Subject: Fwd: Leaf Blowers
Date: Tuesday, January 31, 2017 4:14:51 PM

Hi Cheryl
Please forward to the full Town Council. G

Sent from my iPhone

Begin forwarded message:

From: Robert G Dettmer <dettmerrobertg@gmail.com>
Date: January 31, 2017 at 3:02:08 PM EST
To: mayor@townofpalmbeach.com
Subject: Leaf Blowers

Dear Mayor,

I am writing to urge you to reject the ban on leaf blowers. The ones used on our property by our landscaping people are already muted and are acceptable. Any alternatives do a much less effective job and will unquestionably result in substantially higher costs.

We also have no problem with the present hours of operation of our landscape service.

Please reject the ban on leaf blowers and the stricter hours of operation.

Thank you!

Yours sincerely,

Robert G Dettmer
309 Chapel Hill Road
Palm Beach, FL 33480

From: Didier Dewaele
To: Town Council
Subject: Total Ban on Leaf Blowers
Date: Wednesday, February 08, 2017 11:59:45 AM

To whom it may concern,

My name is Didier Dewaele, I am the owner representative at 780 S Ocean Blvd, we have around 4 acres of land. A total ban of the leaf blowers on the island will affect us tremendously, hands picking with the help of rakes on such a big piece of land will be close to impossible.
Please rethink the ban for the leaf blowers as the blowers are needed for a good maintenance of any large landscaped properties.
Thank you,
Didier Dewaele

Didier Dewaele
780 S 0cean Blvd,
Palm Beach, FL 33480

Cell# 561-847-0514
Fax# 561-833-0458
Email: dewaele@bellsouth.net

Proposed restrictions to island landscapers

Rebecca Dunn to: council 10/05/2016 05:53 PM

History: This message has been forwarded.

Dear Town Council:

We are very much against the proposed restrictions to landscapers that service our island. You have singled out an industry and are attempting to put restrictions on them that make no sense when demolition, construction and renovation companies are not restricted at these same times.

Additionally, the potential to raise rates of 15-25% due to the reduced hours and need to use brooms instead of blowers is significant and should not be overlooked.

You may please a few intolerant and uncooperative individuals but you do no service to the community as a whole if you pass these proposed restrictions. **Please vote against these proposed restrictions.**

Sincerely,

William and Rebecca Dunn
210 El Vedado Road
Palm Beach

D O N A L D D W A R E S

January 24, 2017

TOWN OF PALM BEACH
JAN 26 2017
Town Manager's Office

The Palm Beach Town Council
360 South County Road
P O Box 2029
Palm Beach, FL 33480

Dear Council Members,

I am a 22 year resident of Palm Beach, and I am opposed to the proposed legislation banning leaf blowers, weed wackers, and other landscaping machinery.

Not only will this proposal cause extensive labor increases to the landscapers in this area, but it will also cause additional costs to the island's resident.

I do not find any discomfort with the current noise levels within the permitted times of operation, and, therefore, eliminating the usage of these particular pieces of equipment would be meaningless to me.

And in closing, I thank you for your service to our community and for your willingness to pursue all inquiries by residents.

Respectfully yours,

Donald Dwares
510 Island Drive
Palm Beach

Cheryl Kleen

From: Susan Priem <supriem101@aol.com>
Sent: Monday, January 23, 2017 7:51 AM
To: Town Council
Subject: Noise before 9:00 and after 5:00

Dear Town Council of Palm Beach,

We saw the notice in the local paper which confirms the new restriction on noise from landscapers at the above hours. We notice in particular that these service firms do their leaf blowing as their last duty late in the day and just before leaving from their day on the Island. It seems to us that this is a severe restriction for them. Understandably they can adjust other noisy machines to mid day hours. But, if your Council is restricting leaf blowers to before 5:00 PM, we can see that will be an undue hardship for the landscaping companies.

We hope you will reconsider this part of your ordinance.

Sincerely,

Susan Priem
238 Via Las Brisas
Palm Beach
Sent from my iPad

THE REGENCY
PALM BEACH

TOWN OF PALM BEACH
JAN 30 2017
Town Manager's Office

January 24, 2017

Town Council of Palm Beach and the
Ordinances, Rules and Standards Committee
360 South County Road
Palm Beach Florida 33480

Dear Council and Committee Members:

On February 14th the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! Each building could experience a 15-20% increase on landscaping services to keep the buildings looking pristine if the landscaper have to sweep the debris, which sweeping will not completely accomplish the task and then they will have to use our water to rinse, which we have been under sever water restrictions for more than 8 years! We cannot waste water like this!!!!

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft. please do not place additional restrictions on our landscapers. All of us want our properties to look pristine without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Respectfully submitted,

Debra A. Emerson, LCAM
Association Manager
For The Regency Board

2760 SOUTH OCEAN BLVD.
PALM BEACH, FLORIDA 33480
PH: 561.585.0096 – FX: 561.588.9481

From: Esther Feldberg
To: Town Council
Subject: ban on leaf blowers
Date: Tuesday, February 07, 2017 11:48:27 AM

STHER FELDBERG

1020 NORTH OCEAN BOULEVARD

PALM BEACH, FLORIDA 33480

February 5, 2017

Council@townofpalmbeach.com

To whom it may concern:

We hired Scott Lewis about ten years ago to care for the gardening responsibility

at our home at the above address. We realize that there is much to do to keep our home in good shape and for their company to be responsible for many other homes as well.

To restrict the leaf blowers from working on property before the time of 9:00 AM is extremely serious, because all the garden care companies will become affected with this disturbing order. It will become more expensive for the consumer and it will abandon the efficiency for all the Garden Companies.

To address this important issue to a very few Palm Beach residents would be an insult to the majority of Palm Beachers who take their property very seriously and certainly want their grounds to look perfect without having to pay an extra large fee to do so.

Please address this ban again and try to be responsible to the majority of Palm Beach residents.

Very sincerely,

Esther Feldberg

From: Esther Feldberg
To: Town Council
Subject: Our lawns
Date: Friday, October 14, 2016 1:54:56 AM

To whom this may concern,
We are one of the lucky owners of a home in Palm Beach. And we are contributors to the important issues in the town. We received a letter from our landscaper, Scott Lewis Gardening and Trimming, informing us that the town council is considering radically reducing the times landscapers can use any power equipment at all. No other industry in the town has been targeted.

The beautiful gardens, foliage, the palm trees and the lawns of the lovely homes on this very special island are being attacked for no apparent reason, unless some old inconsiderate individuals are complaining. And if this is so, this is unacceptable to the home owners who live here all year round and to those who are here in the fall and winter seasons as well.

To keep the very special look on this unbelievable island, the registered gardening companies must not be restricted in the care of their individual clients. Living here full time, the construction being done on every corner
this summer has been very inconsiderate to us all. The noise and jack hammering, and large pieces of equipment all over has been very unappealing. Apparently no one has complained and it keeps on going.

To target the landscapers is unacceptable to me because if this ordinance were to go through, the cost to everyone will be very much increased, which is so high to begin with. To maintain the Palm Beach
beauty with the look of no other town in the whole world, you must NOT
consider stopping the works of our landscapers.

Sincerely,

Esther Feldberg

cc: Scott Lewis

3200, Inc.
A Condominium
3200 South Ocean Boulevard
Palm Beach, Florida 33480

condo3200@yahoo.com
Phone: 561-588-8769
Fax: 561-586-0814

TOWN OF PALM BEACH
JAN 30 2017
Town Manager's Office

January 25, 2017

Town Council of Palm Beach and the
Ordinances, Rules and Standards Committee
360 South County Road
Palm Beach Florida 33480

Dear Council and Committee Members:

On February 14th, the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! We are also requesting that the ORS Committee continue to keep the hours the same as they are -- please do not change them.

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft -- do not place additional restrictions on our landscapers. All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Very truly yours,
For the Board of Directors
3200, Inc.

Michael Fierstein
President

The Dorchester
of Palm Beach

January 26, 2017

TOWN OF PALM BEACH
JAN 30 2017
Town Manager's Office

Town Council of Palm Beach and the
Ordinances, Rules, and Standards Committee
360 South County Road
Palm Beach, FL 33480

Dear Council and Committee Members,

On February 14th, 2017, the members of the council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF **KEEPING** LEAF BLOWERS. We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 feet, do not place additional restrictions on our landscapers. If the town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach, who has a landscaping, will be punished.

All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach! We are also requesting that the ORS Committee continue to keep the hours the same as they are, please do not change them.

Best regards,

Ned Fleming
Manager
The Dorchester of Palm Beach Condominium Association

Cheryl Kleen

From: elesabeth <elesabeth159@msn.com>
Sent: Tuesday, January 24, 2017 12:29 PM
To: Town Council; Gail Coniglio
Subject: Landscape service ordinance

To Whom It May Concern:

In response to the respected two part proposed ordinance brought forth by the Town of Palm Beach, I wish the leaf blowers to continue. I do not wish for the blowers to be discontinued.

If they were discontinued, the landscape costs would be exorbitant and unaffordable due to an excess of the working man hours it would take. I am not going to accept more working hours as my landscape invoices are high enough already.

As far as having "peace and quiet", most of the residents on this island cannot hear the noise anyway. Also, the island will begin to look like an unkempt African Jungle due to such high expenses.

Please confirm the receipt of this email ASAP.

Thank you for your immediate attention on this matter. I will not be available to vote on February 4, 2017. This should serve as an absentee vote. If not, send to me an absentee ballot which I will sign.

Thank you,
Elesabeth Gilllet

From: Jonathan Gordon
To: Town Council
Subject: Ban Leaf Blowers
Date: Tuesday, October 11, 2016 9:54:37 AM

Dear Council members:

I am in favor of completely banning leaf blowers in West Palm Beach. The noise and pollution is too horrible. What noise meter do I need to purchase to show police that the noise is too loud, so the police will write them a ticket? If I am at the leaf blower's mercy, them I am doomed. I want to fight back, but how?

Please ban these machines in West Palm Beach. The rental community where I live is a leaf blower's war zone. Not one , not two, not three, but too many to count, all operating at the same time for hours and hours and hours of never ending noise and pollution; while gardeners' blow leaves from one side of the property to the other side and then back again in a never ending cycle of leaf blowing insanity.

Thank you,

Jonathan Gordon

From: Apple
To: Town Council; Gail Coniglio
Subject: leaf blowers
Date: Thursday, February 09, 2017 7:57:28 AM

Dear Sir/ Madam:
My name is John Grabow and I own 200 Cherry Lane. I am opposed to the ban on leaf blowers and also reduced hours for gardening services in the Town of Palm Beach.
John Grabow
gradent@rcn.com
708-738-8090

From: Alexander Griswold
To: Town Council
Subject: Landscape Noise Ordinance
Date: Tuesday, October 04, 2016 11:16:41 AM
Attachments: D789B4F8-A40A-4E5D-970C-75C836494477[75].png

Town Council,

I hope all is well. I am the Managing Partner of 205 Royal Palm Way, LLC. which owns 205 & 221 Royal Palm Way. I am extremely concerned about limiting my landscapers ability to work at off hours and on the weekends. My tenants need quiet during normal business hours, so we specifically do our maintenance on Saturdays and in the evenings. Can someone please provide exactly what is being purposed to me? I hope you understand my concerns. Best, Alex

ARMATA
HOLDINGS
Alex H. Griswold
222 Lakeview Ave.
Suite 1550
West Palm Beach, FL 33401
C: 561.310.6205
O: 561.282.0767

KIRKLAND HOUSE

101 WORTH AVENUE
PALM BEACH, FLORIDA 33480
561-655-9538
FAX 561-833-0307

January 23, 2017

Dear Council and Committee members:

On February 14, 2017 the members of the Council will be voting on a total prohibition of leaf blowers in the Town. PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! We are also requesting that the ORS Committee continue to keep the hours the same as they are – PLEASE DO NOT CHANGE THEM. Other industries, whose work includes demolition, construction, renovations, underground utilities and road and street repairs will not be subjected to the same summer hour restrictions regardless of how much noise their equipment generates.

We currently have an ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft – DO NOT PLACE ADDITIONAL RESTRICTIONS ON OUR LANDSCAPERS. They also perform functions that no other tool can handle effectively, such as cleaning areas covered by rock, gravel, bark or mulch with minimal disturbance and significant time and money savings.

All of us want our properties to look nice without increased fees. The complaints that you have received are not a true representation of the voters in Palm Beach!

Sincerely,

Elaine Gunnoe, Manager
Kirkland House Condominium

From: Patrick Henry
To: Town Council
Subject: Proposed Regulations
Date: Monday, January 30, 2017 4:11:18 PM

Dear Honorable Members of The Palm Beach Town Council,

I am writing to voice my concern about the proposed regulations limiting the hours for yard work and the use of leaf blowers. I am concerned that a single industry is being punished for the intrusion of noise and traffic in our neighborhoods. The increased construction throughout Palm Beach is more of a factor than the maintenance of what we already have and those industries associated with that construction work are not being required to reduce hours or noise. More important, however, is the significant cost increase to the taxpayers that will result from a ban on leaf blowers on their properties. The cost of living in Palm Beach is already high and does not need to be increased. If you really want to reduce the noise and the associated time please consider creating a level playing field for all the involved players such that no single group is a victim of discrimination. Thank you for your consideration.

Patrick Henry
630 Crest Road
Palm Beach, FL 33480

Cheryl Kleen

From: Gail Coniglio
Sent: Thursday, January 26, 2017 6:00 AM
To: Cheryl Kleen
Subject: Fwd: New Regulations regarding working hours for landscapers and gardeners; leaf blower ban

Good morning Cheryl
Will you please share this letter with the Town Council members?
Thank you
Gail

Sent from my iPhone

Begin forwarded message:

> **From:** Joseph Jacobs <jjacobs@wexford.com>
> **Date:** January 25, 2017 at 2:13:56 PM EST
> **To:** "mayor@townofpalmbeach.com" <mayor@townofpalmbeach.com>
> **Subject: New Regulations regarding working hours for landscapers and gardeners; leaf blower ban**
>
> Dear Gail,
>
> My wife and I are residents of Palm Beach living at 324 Plantation Road.
>
> It has come to our attention that there are new ordinances proposed that would restrict the hours that gardeners can work and will ban leaf blowers.
>
> The new proposed regulations may provide some marginal benefit in terms of traffic and/or noise but they don't come for free. There is no doubt this will increase everyone's monthly landscaping cost.
>
> We find no reason to make these changes and are strongly opposed to any changes to the current regulations. We are completely satisfied with the way things currently are in regard to these issues.
>
> Yours truly,
>
> Joseph Jacobs
> President
> Wexford Capital LP
> Suite 602 East
> 777 South Flagler Drive
> West Palm Beach, Florida 33401
> www.wexford.com
>
> jjacobs@wexford.com
> 561 273 8586

From: Joseph Jacobs
To: Town Council
Subject: New Regulations regarding working hours for landscapers and gardeners; leaf blower ban
Date: Wednesday, January 25, 2017 2:15:00 PM

Dear Councilmembers,

My wife and I are residents of Palm Beach living at 324 Plantation Road.

It has come to our attention that there are new ordinances proposed that would restrict the hours that gardeners can work and will ban leaf blowers.

The new proposed regulations may provide some marginal benefit in terms of traffic and/or noise but they don't come for free. There is no doubt this will increase everyone's monthly landscaping cost.

We find no reason to make these changes and are strongly opposed to any changes to the current regulations. We are completely satisfied with the way things currently are in regard to these issues.

Joseph Jacobs
President
Wexford Capital LP
Suite 602 East
777 South Flagler Drive
West Palm Beach, Florida 33401
www.wexford.com

jjacobs@wexford.com
561 273 8586

From: Lawrence Kaplan
To: Town Council
Subject: Please vote NO - do not ban landscapers
Date: Friday, January 27, 2017 6:32:25 PM

Please do not support this proposed ban on landscaping (e.g. blowers). There would be many bad consequences for residents/owners of homes in Palm Beach, and in particular much higher costs for needed and important maintenance. .

We adore how clean and pristine our beautiful Island is. It is what sets us apart from other communities. .

Please consider the implications carefully and vote NO.

Thank you for your consideration.

--
Lawrence Kaplan
917-679-4000
KaplanNYC@gmail.com

From: Yvonne Kazeminy
To: Town Council
Subject: Ban on leaf blowers
Date: Thursday, January 26, 2017 3:49:51 PM

I've been a Palm Beach resident since 1995 and have never found the noise of leaf blowers to be intrusive. Banning blowers and reducing the hours gardeners and gardening services can work on the island year round is unnecessary and will cause problems for residents.
Yvonne Kazeminy
760 Island Drive
Palm Beach

Sent from my iPhone

Address correspondence to
2295 SOUTH OCEAN
BOULEVARD CORP.
561-582-3548
FAX 561-582-2391

HARBOUR HOUSE / PALM BEACH
2295 South Ocean Boulevard, Palm Beach, Florida 33480

January 25, 2017

Town Council of Palm Beach & the
Ordinances, Rules & Standards Committee
360 South County Road
Palm Beach, FL 33480

Dear Council & Committee Members,

On February 14th, the members of the Council will be voting on a total prohibition of leaf blowers in the Town. **PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS!** If the Town prohibits leaf blowers because of the complaints of a **very few people**, every owner in Palm Beach who has landscaping will be punished. Additionally, what is the alternative you are suggesting to using leaf blowers that will **not** throw every Association's budget into deep financial trouble?

Landscaping companies will wind up having to essentially "fire" many of their customers (associations) in an effort to spend more time with the ones who "made the cut". The associations that do not have to find another landscaping company will wind up paying a ridiculous amount of money each month to offset the extra hours each week that will be needed to clean their property without the benefit of the use of a blower. There is an ordinance on the books already that requires landscapers to use leaf blowers that conform to 65dB at 50 feet. Why is there a need to place additional restrictions on our landscapers?

All of us want our properties to look nice **without** the need for increased fees. The complaints you have received are **not** a true representation of the voters in Palm Beach.

Sincerely,

Donna A. Kish
General Manager

From: Jeremiah Lambert
To: Town Council
Subject: Proposed Restrictions on Landscape and Gardening Services
Date: Tuesday, February 07, 2017 3:31:45 PM

Ladies and Gentlemen:

As owners of 2 Windsor Court, we are opposed to ORS' recommendations for a total ban on leaf blowers and reduced year-round working hours for landscape and gardening services. The recommendations, if implemented, will drive up the cost of services by an estimated 20-40% and are not justified by any corresponding benefit. Leaf blowers are the means of choice to remove and manage hedge debris; the alternative method -- brooms, rakes and use of water hoses – is expensive and much less efficient. Shortened summer work days will require landscape companies to hire additional workers to complete the same tasks in two hours less time per day. In the course of eight years at our present address we do not recall being disturbed or inconvenienced by leaf blowing or off-hours services. However, an increase in landscape service costs would be an unexpected burden.

Please feel free to contact us should you have any questions or require further information.

Regards,

Sand and Jeremiah Lambert



January 30, 2017

Town Council of Palm Beach and the
Ordinances, Rules and Standards Committee
360 South County Road
Palm Beach Florida 33480

Re: Landscaper/Gardener Restrictions **Via E-mail - council@townofpalmbeach.com**

Dear Council and Committee Members:

On behalf of the unit owners here at the Sutton Place Condominium Association, we urge you to PLEASE VOTE IN FAVOR OF KEEPING LEAF BLOWERS, at the upcoming February 14th Council meeting. If the Town prohibits leaf blowers because of the complaints of a few people, every owner in Palm Beach who has landscaping will be punished! We are also requesting that the ORS Committee continue to keep the hours the same as they are, please do not change them.

The current ordinance that requires landscapers to use leaf blowers that conform to 65dB at 50 ft. is more than satisfactory. Please do not place additional restrictions on our landscapers. All of us want our properties to look nice without increased fees. The few complaints that you have received are not a true representation of the voters in Palm Beach!

Sincerely,

John Lapi

John Lapi
Property Manager

From: William Lickle
To: Town Council
Subject: Blowers and landscape hours
Date: Friday, February 03, 2017 10:36:02 AM

As a town resident for over 40 years we do NOT want to get rid of leaf blowers or reduce landscaping hours. Current regulations are fine as they are. Such action would only result in going backwards to the time when we bought our first house in 1970. William & Renee Lickle, 568 Island Drive

From: Martin List
To: Town Council; Martin List
Subject: Proposed Landscape Restrictions
Date: Friday, January 27, 2017 1:34:59 PM

Dear Town Council Members,

I represent the 22 property owners who call Phipps Estates home. As Association Manager, I am responsible to maintain our extensive common area gardens, parks and easement areas. Our residents are **totally against** the recommended restriction on summer work hours and the recommended prohibition against using leaf blowers.

The proposal would take the current winter season work hours of 9:00 am to 5:00 pm M-F and 9:00 AM to 12:00 PM on Saturday to a year-round basis, instead of 8:00-6:00 M-S during the summer growing season as it is now. That is a summertime reduction to 43 hours of weekly work time versus 60 hours currently. Imposing a **30%** reduction of work time in the height of the tropical growth period makes no sense – it is impractical and adds costs.

The alternative to blowers is a return to rakes, brooms and water hoses, as well as the increase in billable hours to perform these inefficient processes. Certainly, there is no way to use a push broom to clear grass and leaves off Phipps Estates' asphalt roadways nearly as quickly and efficiently as a blower can. And water hoses aren't an option for us.

In point of fact, a gardener can completely clear a lawn and driveway of leaves and clippings in a matter of a few minutes with a blower but spend hours trying to do the same with a rake or broom, without the same efficiency.

Consider the increase needed in our property taxes to pay for broom sweeping Palm Beach's 10+ miles of curbs and sidewalks every week. Please **vote NO**.

Thank you,

Marty

Martin A. List, President
The List Companies
340 Royal Poinciana Way
Suite #317, PMB 378
Palm Beach, Florida 33480
(561) 655-7150 ofc
(561) 655-8495 fax
(561) 758-8535 cell
marty@thelistcompanies.com

From: Ron Mandell
To: Town Council
Subject: Leaf Blowers/Contractor Working Hours
Date: Friday, February 03, 2017 11:26:10 AM

I am writing to state that I am NOT in aggreeance that there should be a ban on leaf bowers or resticted gardening hours.

Following the discussion covered by the Palm Beach Daily News leads me to think that town officials are out of touch with the noise levels in Palm Beach. I live on the island at 250 Algoma Road. We have recent and or current construction on Algoma Road and the 2 neighboring streets to the north and south bordering Algoma Road at 8 sites.

It is insulting to suggest construction noise is different than leaf blowers. I would much rather hear the noise of leaf blowers than the constant noise and disrubtion of construction. You can not drive on this island without being impacted by the numberous jobsite disturbances and noise pollution.

Herewith is a list recently completed and on-going construction sites on Algoma Road and the 2 neighboring streets.

370 Algoma Road
120 Algoma Road
161 Via Palma
142 Via Palma
112 Via Palma
150 Kings Road
165 Kings Road
176 Kings Road

If the noise of a leaf blower is that bothersome, imagine the flight patterns of Palm Beach International Airport.

I am happy to share my thoughts in person or on the phone should you find this helpful.

Thank you in advance for listening to my view.

Respectfully,

Ronald Mandell

Cheryl Kleen

From: Gail Coniglio
Sent: Monday, January 23, 2017 6:03 AM
To: Cheryl Kleen
Subject: Fwd: Landscape Restrictions

Good morning Cheryl
Please forward this email to all of the Town Council members.
Thank you. G

Sent from my iPhone

Begin forwarded message:

> **From:** HELENA H MARTINEZ <cybermom1@earthlink.net>
> **Date:** January 22, 2017 at 5:38:46 PM EST
> **To:** mayor@townofpalmbeach.com
> **Subject: Fwd: Landscape Restrictions**

> Dear Mayor Coniglio,
>
> I realize that the vote concerning the ban on leaf blowers and the Saturday work issue is coming up soon. I continue to be concerned if this is approved.
>
> There is no other efficient and practical way to remove debris than with a leaf blower which I and all my neighbors on Tradewind use. My housekeeper sweeps by broom daily on the days the landscapers are not on the premises, but the end result is not on the same level of tidiness as the Blowers. Is there a plan to replace the blower with something other than a broom?
>
> Limiting, the Saturday work time issue is equally important as it offers the Landscapers an extra time period to catch up on work that Nature and her Elements have caused. It is impossible for these men to stay on schedule if rain, hurricanes or holidays have made them unable to work and have caused them to fall behind. Also, those homes that cannot be maintained for that week will go without service for 14 days?
>
> Perhaps, no blowers on Saturdays can be a fair compromise to all?!
>
> I consider that the Palm Beach community takes pride in keeping their homes and gardens looking neat , tidy and inviting. Voting in the two above mentioned issues would be contrary to this. Please, take these thoughts into consideration.

Cheryl Kleen

From: William Miller <wmiller@gelman.com>
Sent: Tuesday, January 24, 2017 10:19 PM
To: Town Council
Cc: Gail Coniglio
Subject: Gardening regulations

Dear Mayor and Council,

My wife and I are residents of Palm Beach. We find it curious that the town would consider the wishes of a few people to the disadvantage of so many. To not allow the gardeners to use blowers and to not work on Saturdays, seems punitive. Palm Beach landscaping has always been a major attraction of the island. I have always found it remarkable how so many residents of one community take such pride in keeping their property so well kept as compared to other parts of the country. Saturdays are necessary at times for gardeners to catch up on work, if weather conditions have impaired their schedule, for example. Also, time is dramatically cut down by the use of blowers - I can't imagine the impact of time that would be added, if all the leaf collecting were by hand. It seems so contrary to what we all look to achieve - a calm and beautiful island. Please allow this matter to be carefully heard and reconsidered.

Thank you, William Miller

218 Tangier Ave.
Palm Beach, FL

From: Michael Miller
To: Town Council; mayor@townofpalmbeach.dom
Subject: Total ban on leaf blowers
Date: Thursday, February 02, 2017 1:40:25 PM

As a concerned resident I have been informed of this so called ban on leaf blowers. I have been informed by my landscaper that I should be look for a 20% to 30% increase in my monthly landscaping bill if this ban goes into effect.

Who plans on paying for this?????

It should be brought to the vote of the entire residents of The Town of Palm Beach

Please consider your decision.

Sincerely,

Michael Miller
280 N. Ocean Blvd.
Palm Beach, fl 33460

Sent from my iPad

Cheryl Kleen

From: Michael Minikes <mminikes@aol.com>
Sent: Saturday, January 21, 2017 3:49 PM
To: Town Council; Gail Coniglio
Cc: cminikes@aol.com
Subject: Proposed ban on leaf blowers

We are homeowners at 583 North Lake Way and take pride in the appearance of our landscape. Well maintained palm trees, hedges and other plantings not only give us great pleasure, but also help in keeping the streets of Palm Beach as beautiful and pleasant as we all know they are.

We are quite concerned that proposed Town rules to reduce working hours of landscapers and gardeners, and to ban leaf blowers would, if adopted, severely limit our ability to maintain our gardens and trees. This is a serious issue that we hope Town Council will find a better way to deal with. In addition to being unfair to landscapers and gardeners, the proposed rules would likely result in greatly reduced landscaping, unaffordable for many if expenses increase as a result of the proposed changes.

We strongly urge Town Council not to move forward with the restrictions under consideration.

Michael and Cheryl Minikes

From: Jeane von Oppenheim
To: Town Council
Subject: landscaping - gardening services
Date: Wednesday, February 08, 2017 1:41:25 PM

ATTENTION: TOWN COUNCIL MEMBERS

My name is Jeane von Oppenheim, living at 209 Angler Ave. I am opposed to both the ban on leaf-blowers as well as reduced working hrs. for gardening services.
Construction noise and dirt plus traffic congestion is much worse. The blowers are not so loud any more and I am not willing to pay an even higher price for my services.

Thank you for your consideration,
Jeane von Oppenheim

From: Amanda Riegel
To: Town Council; Gail Coniglio
Cc: angela thompson
Date: Friday, January 27, 2017 3:45:20 PM

Good afternoon Mayor
As a homeowner on Brazilian Avenue, I am writing to express my opposition to the proposed ORS recommendations to ban all leaf blowers and to reduce the hours that landscapers and gardeners are allowed to work. While there may be some hustle and bustle created by landscapers use of leaf blowers, it hardly seems worthy of a total ban-I can honestly say their noise has yet to bother me and cannot imagine how their use could be so annoying to anyone to justify this change of rules. I also wonder how much more this change will ultimately cost the homeowners who will not only have to pay their landscapers more for their personal properties but the many town areas that will cost so much more to tidy up as well.
If the town was to suggest new rules for quieter leaf blowers with a grace period to replace their old tools so landscapers and ultimately their clients are not immediately burdened with costly new machinery then I think new quiet regulations would be acceptable. But a total ban seems illogical and out of date--unless we are going for a noise free zone then we better discuss rerouting all those noisy airplanes that provide a steady din and have them land in Miami instead.
Respectfully submitted
Angela thompson
324 Brazilian Ave

Sent from my iPhone
Sent from my iPhone

From: TM Assistant
To:
Cc: Cheryl Kleen
Subject: Leaf Blowers / Construction Times
Date: Tuesday, January 31, 2017 3:47:17 PM

Council Members,

Mrs. Linda Rossbach, 251 Dunbar Rd, called the Town Manager's Office and would like to have her comments included for Town Council backup on two issues.

First, Mrs. Rossbach is in support of using and keeping leaf blower available to her landscape maintenance crew. The ban or restrictive use of leaf blowers will cause the landscaping company to work at her house for a longer period of time. This will also cause a higher cost factor for her.

Secondly, Mrs. Rossbach is in support of cutting back the construction time frames to match that of the landscaping time frames. She feels that the construction noise is just as bothersome as other noise in the morning.

Mrs. Rossbach did not leave a contact number.

Thank you,

Antonette Fabrizi
Administrative Assistant

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: Mark Saur
To: Town Council
Subject: Leaf Blower issue
Date: Wednesday, February 08, 2017 9:00:37 AM

Good morning!

We are Mark and Lisa Saur who reside at 102 Seaview Avenue and are opposed to both the bans on leaf blowers in the Town of Palm Beach.

Please feel free to contact us with any questions.

Warm regards,

Mark and Lisa

Mark Saur, President & Founder
Old Orchard Brands LLC.
1991 Twelve Mile Rd, NW | Sparta, MI 49345
msaur@oldorchard.com
Office: 616-887-6030 | Fax: 616-887-8210
Web: www.oldorchard.com

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From: jazzdellago@aol.com
To: Town Council
Subject: from Frances Scaife
Date: Wednesday, October 12, 2016 11:33:35 AM

Mrs. Frances G. Scaife
179 Via Del Lago
Palm Beach, Florida 33480
561-659-4579

Wednesday, October 12, 2016

Dear Town Council,

I find your new consideration for gardeners to be really ridiculous. I understand there is a proposal about changing the allowance for gardeners in Palm Beach particularly related to noise factor and hour changes. You are really restricting the job quality and services the gardeners can give their clients and I think you should reconsider your proposal.

Sincerely,
Frances G. Scaife

From: Gerald Schuster
To: Town Council; "themayor@townofpalmbeach.com"
Subject: Landscape work restrictions
Date: Thursday, January 26, 2017 4:21:29 PM

Gentlepeople,

I have been a property owner and a resident of Palm Beach for the past 16 years. As a property owner, I am very familiar with the issue of the use of blowers for maintaining the grounds. In the past 16 years, I have never had a problem with my neighbors, nor have I caused them any discomfort by using blowers on my property.

The utilization of this equipment allows us to maintain our landscaping in a very satisfactory condition. To consider denying the continued use of blowers becomes a serious problem as to cost and a significant increase in the number of hours of labor required for the same standard of grounds care.

I respectfully request that you consider our position and would allow the continued use of blower equipment to maintain our grounds.

Thanks much,

Gerald Schuster
101 Jungle Road
Palm Beach, FL 33480

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit http://www.mimecast.com

From: Jay Serzan
To: Town Council
Cc: Gail Coniglio
Subject: Leaf Blower Ban
Date: Tuesday, January 31, 2017 2:57:03 PM

Dear Council Members,

I am **opposed** to the total ban of leaf blowers.

I feel reasonable requirements on their sound levels and time of operation are sufficient.

A total ban on leaf blowers will raise the cost of landscape services and will result in a less beautiful town.

There are many other noise makers….lawn mowers….hedge trimmers, that are not being regulated (nor should they be),
so why are we singling out leaf blowers?

I respectfully ask that you vote against a total ban.

Thank you,

James Serzan
353 Seabreeze Avenue

From: Gail Coniglio
To: Cheryl Kleen
Subject: Fwd: Blowers
Date: Friday, January 27, 2017 5:58:16 AM

Good morning Cheryl
Please forward to my fellow council members.
Thank you
G

Sent from my iPhone

Begin forwarded message:

> **From:** Sunny Sessa <sunlen1@aol.com>
> **Date:** January 26, 2017 at 3:09:34 PM EST
> **To:** Mayor@townofpalmbeach.com
> **Subject: Fwd: Blowers**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Sunny Sessa <sunlen1@aol.com>
> > **Date:** January 26, 2017 at 3:05:15 PM EST
> > **To:** Mayor@townofpalmbeach.com
> > **Subject: Blowers**
> >
> > Dear Mayor & council
> > It has come to my attention that there "may " be a ban on blowers.
> > This, I feel is ludicrous.
> > My property on Via Sunny is almost 2 acres.
> > My gardener uses a silent
> > (low decibel) sound blower and has for years!
> > Clearing leaves is essential to maintain neatness & affects no one else. There is no other method to clear debris-& the alternative utilizing water (which would be not environmentally friendly) & a broom to sweep an acre or more to clear debris is a ridiculous option !
> > I implore the council to consider mine & other properties of an acre or more to retain blower to clear debris . Maintaining a lovely appearance should be important to the town of Palm Beach.
> > Sincerely
> > Sunny Sessa

From: Louise Snyder
To: Gail Coniglio; Town Council
Cc: Barry Snyder
Subject: Leaf Blowing
Date: Thursday, February 02, 2017 4:55:18 PM

Dear Mayor Coniglio and Town Council Members,

My Husband, Barry, and I live at 208 Barton Avenue and have some comments about the leaf blowing concerns of some citizens in town.

As far as we are concerned leaf blowing has been going on since at least the1970's and is a quick and efficient way of keeping the town beautiful.
Can one imagine the length of time it would take to sweep the cuttings from our yards?
The costs involved of more workers and work shorter hours?

Our gardener comes once a week and is done in less than an hour with blowing debris for less that 15 minutes. He and most professional in Palm Beach already conform to the current town regulations of 65dB at 50 feet and are quieter than most other types of power equipment. They also perform functions that no other tool can handle effectively, such as clean areas covered by rock, gravel, bark or mulch with minimal disturbance and significant time and money savings. The alternative is to turn to brooms and water (which is already a problem)to remove finer grit and debris, as well as an increase in man hours, cost to perform these duties and the possibility of fewer hours allowed to work.

Let's leave our gardeners alone and insure our pristine environment.

Respectfully,
Louise and Barry Snyder

From: Ellen Sosnow
To: Town Council
Subject: Leaf Blowing
Date: Friday, January 27, 2017 6:30:37 PM

My husband and I are definitely in favor of leaf blowing so please don't change the regulations. We live sat 156 Sunset Ave.

Thank you.

Ellen Sosnow

Ellen Sosnow Interiors
917-797-0039
EllenSosnow@me.com
www.EllenSosnowInteriors.com

From: Karen E. Terry
To: Town Council
Subject: 342 Garden Rd
Date: Monday, October 03, 2016 12:49:32 PM

Town Council,
I understand that the town is considering radically reducing the times that landscapers can use power equipment by 20 hours per week. The only purpose this would seem to fulfill is more quiet. But if the blowers are too loud, why isn't the Town issuing fines to those unlicensed companies that use the loud blowers.

If this issue is carefully studied, it seems clear that the minuses far outweigh the pluses. Reducing the hours per week will force the prices of our landscapers up to as much as 25%. It will make the landscaper's jobs inefficient and their customers will not be timely serviced. It appears that landscapers are being targeted but other industries including demolition, construction, and renovation companies are not being restricted on Saturdays or to these hours, regardless of the noisiness of their equipment. It seems patently unfair to target the landscapers in my opinion.

Thank you.

Karen E. Terry, Esq.

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From: Bruce Toll
To: Town Council
Subject: Town Council Leaf blowers
Date: Wednesday, August 24, 2016 3:23:05 PM

Dear Town Council,
Please be advised I have been reading articles, in the Palm Beach Daily News concerning a proposed ordinance to ban leaf blowers. I think this a bad idea it will increase cost of gardening. As a town resident the noise does not bother me.

Very truly yours,
Brue Toll

From: Jane Trevisan
To: Town Council
Subject: proposed leaf blower ban/reduced work hours
Date: Monday, January 30, 2017 2:54:23 PM

Dear Council Members,

I write today to oppose the leaf blower ban and reduced work hours you are considering imposing on gardening and landscaping companies.

This is patently unfair as the new regulations will only apply to gardeners - not construction companies or even the Town's construction's partners. Landscapers are being treated as scapegoats in the noise battle and frankly, are being discriminated against.

I have been advised that my landscaping costs will increase over 20% if this recommendation is adopted. And I am sure my property taxes will increase as well, as the Town incurs additional expense to maintain our public property, bridges, sidewalks, parks, etc.

Please do not adopt this recommendation. What should be happening is the enforcement of the current leaf blower regulations to ensure that landscapers are using the proper equipment that keeps noise to a minimum.

Thank you.

Jane Trevisan
165 Root Trail

Fw: Power equipment restrictions

Town Council to: Thomas G. Bradford, Jay Boodheshwar, jrandolph — 10/05/2016 02:37 PM

Sent by: Cheryl Kleen

Cc: Kathleen Dominguez

Bcc: gailconig1, dukie85, mjpucillo, lindsaybobbie, heron1107, kleid561

----- Forwarded by Cheryl Kleen/PalmBeach on 10/05/2016 02:37 PM -----

From: Jane Trevisan <janetrevisan@gmail.com>
To: council@townofpalmbeach.com
Date: 10/04/2016 03:02 PM
Subject: Power equipment restrictions

Dear Town Council,

I am writing to express my concern about the power equipment time restrictions that you are considering for landscapers.

I find this unfair for several reasons:

1) NO other industry who works on the island is being targeted. This means that a major construction, demolition, or renovation project can proceed at 8 am - at blast level noise - but my gardener cannot use a blower until 9 am or not at all on Saturdays.

2) This proposal will result in increased costs and inconvenience to me.

If the noise created by landscapers is such an issue, then I suggest you crack down on the myriad of unlicensed companies that operate on the island using the loudest garden equipment possible, in violation of Town Ordinances. Enforcing a fine or two would clearly send a message to these characters.

Why penalize citizens who employ licensed, reputable companies to maintain their homes and gardens in a manner that Palm Beach deserves.

Thank you.

Jane Trevisan
165 Root Trail

From: William Wagner Jo Anne Wagner
To: Town Council
Subject: Garden blowers
Date: Saturday, October 08, 2016 3:31:05 PM

Dear Council members
Please do not restrict the hours for gardeners to use their power equipment. Palm Beach resident's pride themselves in keeping their properties well groomed. Our long time garden company is Scott Lewis and we have not been disturbed by noise from his quality eqipment

Sent from my iPhone

From: Christine Watkins
To: Town Council
Subject: leaf blowers
Date: Monday, February 06, 2017 11:16:41 AM

My name is Christine Watkins and I own a home at 333 Brazilian Avenue. I am writing to say I do not agree with the proposed regulations to eliminate blowers and reduce the hours that our landscapers can work. I support the current in season limitation on power equipment on the weekends, but feel that during the week they need these to get their jobs done and to keep prices to their clients down. Perhaps consider a maximum noise output on each blower as an alternative.

Thank you,

Christine

From:	Larry Will
To:	Gail Coniglio
Cc:	Keith DeShetler; Ed Zynomirski; Michael Pucillo; Richard Kleid; Town Council; Danielle Hickox Moore; Margaret Zeidman
Subject:	Leaf Blower Regulation
Date:	Saturday, February 04, 2017 11:38:31 AM
Attachments:	What is the leaf blower issue.pdf

Mayor Coniglio:

I was reading the Palm Beach Ordinances, Rules and Standards Committee Meeting Agenda from January 12, 2017 and find that opposition to leaf blowers is well represented in this document via Cheryl Kleen's organization. But I find it curious that there are no letters of support for the leaf blower, including my letter to you of June 20, 2016. I was thinking perhaps it was lost or overlooked during preparation for this meeting so I have sent another more current one for your review and that of the Standards Committee.

You see, it is important that stakeholders know the actual facts regarding the leaf blower and those that dislike them. The resulting regulation could be the most controversial and contentious regulation you will ever have to deal with. Please take 15 minutes or so to read the attachment to this email, which will elicit the facts surrounding the blower, those that object to it, the landscape contractors that need it, the users and homeowners that depend on it, the media's involvement, and the manufacturer's commitment.

I have included a suggestion as to how you can amicably and effectively resolve the blower issue based on my experience working with over 135 other cities. My explanation and clarification of the issues, which are entirely supported by documentation at my website, will be immensely helpful to you and the committee.

One other thing; I learned from the agenda is that measurements of sound are being taken in the field. This cannot be accurately done for the variables are uncontrollable and the results will be inconsistent. For one thing, accurate measurements depend greatly on the quality of the measuring equipment and the skill of the technician taking the measurement. For example, accouding to this document, an ECHO PB-770H leaf blower was measured to be 75 dB(A) in the field when in reality it is 73 dB(A). Seems like a small difference, but keep in mind that sound is reduced by 50% for every 6 dB(A) drop in sound level. If you read the ANSI Standard (B175.2) used for measuring leaf blower sound, you will more clearly understand my point. It is best to simply rely on the label attached to the unit by the manufacturer. If there is no label, it simply does not comply.

Thank you for your consideration.

Larry Will, PE
Leaf Blower Information Specialist
ECHO Inc
(479) 256-0282
Email: info@leafblowernoise.com
Website: http://leafblowernoise.com/

February 4, 2017

About the Author



For eight years prior to his retirement, Mr. Larry N. Will was Vice President of Engineering at Echo Inc., Lake Zurich, IL, a leading manufacturer of gasoline powered lawn care products. In this capacity, he managed the development of the first "Quiet" leaf blower that reduced leaf blower sound by 75%. As a member of the Hand Held Products Committee for the Outdoor Power Equipment Institute (OPEI), Arlington, VA, he was instrumental in creating an informational pamphlet and electronic media that was published by OPEI, entitled "Leaf Blowers, A Guide to Safe and Courteous Use". He also wrote the Echo leaf blower training manual. Mr. Will was called upon to make a presentation before the National Academy of Engineering in Washington DC. because he is the only nationally known expert totally familiar with the leaf blower issues of sound and environmental impact.

Following his retirement, Mr. Will has addressed leaf blower concerns throughout the United States and Canada as an unsolicited consultant to more than 155 city and state legislative bodies. He shares his experience wherever a city is addressing leaf blower issues. Will provides reliable information about products presently being manufactured so an informed decision can be made. He knows all the pitfalls and problems a city must face in dealing with the leaf blower noise issue and can suggest workable alternatives to a leaf blower ban.

As a leaf blower expert in design, manufacture, application and use, Will is in a unique position to supply up-to-date and accurate data and facts. He has been interviewed for many articles written by several leading news organizations including The Atlantic, The New Yorker, The Guardian and on camera for CBS News Sunday Morning. He has a firm grasp on the mindset of the media.

Mr. Will is always available at no charge to answer questions by phone or email. He can also be hired to conduct seminars, including product comparison demonstrations, for a modest fee.

Contact information can be found at his website: http://leafblowernoise.com/

What are the issues regarding leaf blowers?

The Anti-Leaf Blower Advocate's viewpoint.

First of all, who are these anti-leaf blower activists? For the most part, they are not blue collar working class people. They are movie stars or spouses of movie stars, retired lawyers, and assertive housewives or over exuberant environmentalists. Some are just people with neighbors that run their leaf blowers for the better part of the day and almost every day as well.

I mention this because I am fairly certain that these people are not aware of how important the leaf blower is to the people that use them. To these advocates, leaf blowers are simply a nuisance. They are not likely to be people that take care of their own yards either. Blowers are too noisy and they feel they should not have to listen to them. "Why not simply ban them?" they think. They have no problem imposing their will on their neighbor or the landscape contractor serving their neighbor. My comments about these people are not intended to be demeaning, but in advocating for a total leaf blower ban, they do tend to use a sledge hammer when a carpenter hammer will do. A total ban will

not sit well with any homeowner that uses a leaf blower, but in the case of the landscaper, it is a more serious problem for it impacts their livelihood.

There are basically three truths about the leaf blower issue:

> One, they have a unique sound, easily identifiable, which differentiates them from other lawn care products. Some of them scream.
> Two, traditional leaf blowers are no louder than any other engine driven lawn care product.
> Three, they are often used without concern for the aggravation they cause to the bystander. In other words, operators can be inconsiderate when it comes to time of use, that is, time of day and duration of use.

Anti-leaf blower activists are typically unaware of what blowers are used for, thinking they should only be used to remove leaves in the fall of the year. They wonder why blowers are needed during the summer months. Well in the summer, they are used to do final cleanup; blowing grass clippings from driveways and sidewalks as well as gathering debris from hedges, bushes and trees. Trees are messy all year round, dropping leaves and small twigs whenever the wind picks up. After a rain or wind storm, blower use is essential. There are jobs where only the leaf blower will work, like removing pine needles or gathering debris from irregular surfaces and hard to reach places such as on brick pavement, landscaping stones, mulch and bark chips, or from behind hedges and under vehicles.

Some are trying to pull the leaf blower into the global warming controversy, which of course has nothing to do with blower sound. These people think since leaf blowers have internal combustion engines, this makes them fair game. Unfortunately they know very little about the leaf blower and speak without knowledge of or regard for facts concerning exhaust emission from these small engines. These are the emission related facts they should be taking into account:

> Gasoline, diesel fuel and wood are all hydrocarbons. Hydrocarbon exhaust emission from leaf blowers is fuel that passes straight through the engine unburned. At one time, two stroke engines had a serious problem in this area with some of them passing roughly 30% of the fuel entering the engine straight through to the atmosphere. But this type of emission in small off road engines has been reduced by as much as 90% depending on engine size. The new Standard took effective in January 2005 per EPA and CARB mandates.
> Automobiles emit 230 times more carbon dioxide (CO_2) or greenhouse gases than do leaf blowers. During complete combustion, the burning of hydrocarbon fuel is a process of oxidation, meaning the hydrogen in a hydrocarbon fuel is oxidized to become water (H_2O) vapor and the carbon content becomes CO_2.
> Why does the automobile emit more CO_2 than that of a leaf blower? It's because on average, cars burn 230 times more fuel in a week's time per household. Think 18 gallons vs. 10 ounces. In general, all but a very small percentage of the fuel burned turns into these two gasses.
> Some people think a catalyst, a device located in the muffler, is used to reduce greenhouse gas. It does not. It converts unburned hydrocarbons and carbon monoxide (CO) into CO_2 and water. Carbon monoxide is another byproduct of combustion and is the result of incomplete burning of the fuel. Although it constitutes a small percentage of the total

exhaust gas, it is also produced proportional to the amount of fuel burned, which means automobiles generate a great deal more CO than do leaf blowers.
Some think that only automobiles have catalysts in the exhaust system. Not true. All two stroke engines have catalytic converters. They are proportional in size to the size of the engine.
A few think that small gasoline engines generate nitrogen oxides (NO_x). They don't. This is developed primarily by an engine with excess oxygen in the combustion chamber, such as that of compression ignited diesels engines. Where does the nitrogen come from? The air we breathe is 78% nitrogen.

Anti-leaf blower activists sometimes argue that leaf blowers generate dust. Some go so far as to say they cause asthma in children. Even some doctors are saying that, but these same doctors have no data to substantiate their claim. It's just a good sales pitch or sound bite. Asthma is caused by the environment, pollen and molds mostly, not the leaf blower or any other mechanical device, including the lawnmower. A leaf blower will only impact the environment within a 25 foot radius of the blower nozzle.

Regarding dust, where leaf blowers are normally used (sidewalks, driveways, and landscaped surfaces), there is no appreciable dust generated, including PM 10 and PM 2.5. These nearly invisible particles are bonded to larger, heavier particles after they settle to the ground.

Why then do these people make these arguments? It's because the argument against noise alone is weak and they need a more compelling justification for requesting a city council to ban blowers. Most cities will not ban them because of noise. They have concern over the impact a ban will have on the elderly, the added burden to the landscaper, the added cost maintaining city properties and the difficulty the city will have enforcing such a regulation. Besides, quiet leaf blowers have been available for over 20 years and eventually all the old noisy units will be scrapped. Not all blowers are considered quiet, but all leaf blowers have been sound reduced to a great extent. With blower sound only being an inconvenience to the complainer and with sound being the only real issue, it becomes very difficult to convince a city council to ban blowers.

The determination of anti-leaf blower activists to ban leaf blowers is not to be underestimated. In Sonoma, CA, they flooded local news organizations with letters to the editor and also managed to convince columnists to argue in favor of a blower ban. They even wrote a voter referendum supporting a ban, spiking it with unsubstantiated claims that maligned the blower. What was the result? They won the referendum to ban blowers by the tiny margin of 19 votes, burdening the city with the difficult and costly task of enforcing the ordinance.

If the activist can convince people that blowers harm the environment, they have a stronger case. There is no inclination on their part to even consider an alternative to a ban such as allowing quiet gasoline powered leaf blowers. Electric blowers are sometimes allowed, but that makes no sense since some of them scream louder than old noisy gasoline blowers. They also impact the environment in the same way as do gasoline powered blowers, including exhaust emission. Keep in mind that the electricity they use has to come from somewhere. Power plants are major contributors to the air pollution problem.

Twenty years ago, anti-leaf blower advocates complained that manufacturers were insensitive to leaf blower noise and asked why the industry has done nothing about it. Well today there are lots of quiet gasoline powered leaf blowers on the market and still they complain. Now they want silence. What's next, the lawnmower? Are lawn care providers expected to return to the technology of the 1940's?

Where does the media stand on the blower issue?

It turns out that in nearly all cases, newspapers and Internet sources will back the anti-leaf blower activist. Many articles are usually written in support when the issue is being addressed by the local city council. Rarely is there ever more than one or two sentences mentioning the impact a ban will have on the landscaper or the home owner, but they will devote 400 to 800 words supporting the opinions of the blower ban advocate. There is no mention of the added cost to the landscape contractor or the impact it will have on his customer. Nothing is said about how older people taking care of their own property may have to let the appearance of their yards deteriorate. No one talks about the fact that homeowners will have to scrap their existing equipment. Rarely will they share that the city will find it very difficult and expensive to enforce such a ban. In their articles, the opinion of the blower user is ignored for the most part.

The Landscape Contractor's Position

Landscape contractors and the people they hire are down to earth people. They work very hard at their profession. Money is tight. Time is precious. The profession is extremely competitive. Their customers measure the value of their service on cost and quality of work. Brooms and rakes will not meet either of these requirements. When it comes to leaf blowers, a larger and more often noisier blower is a vital necessity. These people can service as many as 20 homes in a given day, sometimes requiring a 12 hour workday. All their equipment is large so they can cover a greater area over a given period of time. A lawnmower with a 60 inch cutting width, even a 72 inch wide deck, is not uncommon. All their equipment makes noise, which leads them to wonder why leaf blowers are such an issue. This complaint makes no sense to them from a practical point of view and when the subject comes up, they only smile and look inquisitively at you as if to say, "What are you talking about?"

There are some contractors, usually those in a community that have already moved toward banning noisy leaf blowers, that believe quiet leaf blowers are not as powerful as are their noisy counterparts. "Big and powerful machines are always noisy", they say. Big diesel semi trucks, garbage trucks, city busses, race cars, farm tractors, and large motorcycles are just a few examples. To be noisy, in their minds, means to be powerful. So buying a quiet blower means a step down in performance to them. This is not true; never the less, "Quiet" can be a tough sell, unless required by an ordinance.

What Part Does the Operator Play?

The operator's mindset is an important issue, for at least half of the leaf blower problem rests with the operator, running at inconvenient hours, blowing debris on other people's property and running

them continuously for hours on end. Most of the time, when a blower is being used for several hours on a given property, it is the owner of the property that is the offender. Why? It's because this person most likely has a small, inexpensive and underpowered unit that takes several hours to do the job. Yes, even small units can be irritating.

ECHO's Response

Twenty years ago, shortly after I was hired to lead the engineering department at ECHO Inc., I was told of the sound issue surrounding the leaf blower in many cities throughout the country. It seems there were people totally adverse to their use, because of the noise they generated. After studying the issue, I decided to see what if anything could be done to reduce the sound level. My goal was to achieve a 50% reduction in sound. After applying all the techniques I knew of to lower the sound level on an existing design, I was able to reduce it by 75%.

So with considerable excitement I demonstrated the design to our marketing and sales department in anticipation of this design replacing the present product of that size. I wanted to begin a program to reduce the sound level of all our leaf blowers. We could be the leader in the industry, known as the most forward thinking producer of environmentally friendly products. "But wait," I was told. "It's a great idea, but although this unit will be put into production as soon as possible, we need to see if it will be well received by our customers before investing any more money in this expensive endeavor". It was a sound and reasonable business decision, if you know what I mean.

As it turned out, our customers were for the most part indifferent to the improvement. There was little incentive at the time for them to buy into the concept of quiet blowers. What they had was working well and they saw no need to spend the additional money in order to have this feature. Now the cost increase was only $30, but that was considered by most as being too much to pay for no performance improvement, which was how a cost increase was often justified.

Our sales and marketing people then went out to speak with our customers through our distributors and dealers, to point out that there are areas of the country that want to ban leaf blowers because of sound. "One day that could happen in your area if they didn't do something to reduce noise now." Most of them just said that this was not likely to happen at their location. So although we as a company wanted to be good neighbors when it came to sound, the typical landscape contractor saw no need to take that step.

We at ECHO were still dedicated to the development of quiet leaf blowers, but our sound reduction program took on a more conservative and cost effective approach, only reducing the sound level of our remaining products in conjunction with other design changes and upgrades over a period of years. Fortunately today, after the investment of millions of development dollars unique to the reduction of sound, ECHO has five quiet leaf blowers or "Low Noise" blowers in the product line, which have a 75% reduction in sound level. They measure 65 dB(A) at 50 feet per the industry Standard for measuring leaf blower sound. In addition, ECHO has four more units that are at 70 dB(A) which is more than a 50% reduction in sound.

How are most cities resolving the leaf blower issue?

To reduce sound generated by gasoline powered leaf blowers, they create an ordinance limiting blower sound levels to 65 dB(A). A sound label placed on the blower by the manufacturer will indicate its volume level measured at 50 feet per the industry Standard.

To reduce dust generated by blowers, cities prohibit the use of leaf blowers on unstable or untreated surfaces. If the enforcement officer sees dust, the operator is in violation.

To reduce exhaust emission, some communities disallow the use of leaf blowers manufactured prior to January 1, 2005.

To address inconsiderate use, enforcement officers hand out educational fliers or pamphlets to operators that have unacceptable leaf blower etiquette. This information can be placed on your website, made available at local retail outlets, sent to landscaper organizations and mailed to lawn care providers. Anyone may copy and distribute the fliers available at my website or you may copy any part of these fliers in your own unique documentation that includes the rules as stated in your ordinance.

If you are contemplating a leaf blower ban or are an advocate for a ban, please take the time to understand the facts surrounding the issues. This matter may be the most controversial and contentious issue you may ever encounter. Creating an ordinance allowing only quiet gasoline powered leaf blowers will solve the sound issue and will be voluntarily adhered to by both homeowners and yard care providers. A ban will only serve to enrage these people. In the long run, this alternative conscientiously addresses the leaf blower noise issue and will be much better overall for your community. ■

Larry Will, PE
Leaf Blower Information Specialist
ECHO Inc
(479) 256-0282
Email: info@leafblowernoise.com
Website: http://leafblowernoise.com/

From: Craig Wilson
To: Town Council
Subject: Opposed to Leaf Blower Ban!
Date: Wednesday, February 08, 2017 8:57:42 AM

Dear Town Counsel,

As Estate Manager of 589 North County Road I am writing on behalf of the property owner in regards to the proposed leaf blower ban in Palm Beach. Both the owner and I are in agreement this ban should not go through largely due to the unpractical nature of maintaining a property such as 589 North County without the use of a currently approved low decibel leaf blower.

However, of particular concern will be the anticipated vast increase of water consumption on the Island. In the past year we have gone to great lengths to reduce our water consumption, but will potentially be force to clean vast areas of hardscape by rinsing on a regular basis.

How will such a ban the affect community hurricane preparedness or timely cleanup after a tropical storm event?

An aspect of Palm Beach I believe residents are proud of are the many pristine landscaped grounds and yards throughout this great town… would a leaf blower ban lead to the deterioration of the community's most beautiful properties? How will a leaf blower ban affect the town's own properties given the substantial increased maintenance costs?

Please consider all long and short term implications of a leaf blower ban before executing such an unfair ordinance.

Sincerely,

Craig Wilson
Estate Manager – Oceanview Trust
cwilson@sunrisemsvc.com
+1 (207) 475-2694

589 North County Road
Palm Beach, FL 33480

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February 7, 2017

TOWN OF PALM BEACH
FEB 07 2017
Town Manager's Office

Mayor Gail Coniglio
Town Council Members
Town of Palm Beach
Palm Beach, Florida 33480

Re: Leaf Blower Noise

Dear Mayor Coniglio and Town Council Members:

The Palm Beach Civic Association supports the effort of the Town Council to reduce the noise from leaf blowers. We agree that noisy lawn maintenance equipment disturbs the quality of life in Palm Beach.

However, we believe it is premature to enact a total ban on leaf blowers. While this may be the ultimate solution, there are other steps we recommend be taken before instituting a total ban.

1. **Enforcement of Current Regulations**

An immediate action should be taken to require maintenance companies to use "lower noise" blowers which meet the 65db noise regulation of the Town. This requirement has not been enforced and a wide range of blowers are currently being used which aggravate the noise problem.

A strict enforcement program should be implemented which would have Code Enforcement personnel conducting drive-by, on-site "spot checks" to identify violators.

Violators should be given an initial warning with repeat offenders fined a significant amount such as $500 for a further violation and $1,000 for additional violations. This should result in rapid compliance with current Town regulations.

2. **Limit Machine Usage**

Excessive noise often results from landscapers using several machines simultaneously, i.e. leaf blowers, hedge trimmers, weed wackers, lawn mowers. We recommend that only one machine be allowed at the same time on most properties, e.g. under one acre. This could significantly reduce the noise levels.

If these actions do not result in a significant reduction of noise, we would support addressing a total ban on leaf blowers. In considering this action, the following questions should be considered:

- If leaf blowers are prohibited, landscapers report they will be forced to raise their rates between 15% and 30% to get the job done under the new conditions. Will residents be willing to accept dramatic cost increases in exchange for a little less noise on a limited basis?

- What about the Town's major landowners—the Breakers, private clubs, golf courses, etc.? In this modern day, it's hard to imagine raking and sweeping these extensive properties by hand. Plus, manually hosing down sidewalks, driveways, and parking lots will require significant amounts of water, a resource we try to conserve.

- Will a leaf blower ban cause problems for our public works department that maintains our Town owned properties, parks, roadways, swales and medians? Does the Town of Palm Beach have a large enough work force and a big enough budget to handle the additional manual labor required?

We urge our Town leaders to take a measured approach in addressing this longstanding issue given the many interests of the parties involved.

Bob Wright
Chairman and CEO

From: Gail Coniglio
To: Cheryl Kleen
Subject: Fwd: Cost of Blower Ban
Date: Tuesday, January 31, 2017 12:50:06 PM

Hi Cheryl
Please forward to my fellow Town Council members.
Thanks
G

Sent from my iPhone

Begin forwarded message:

> **From:** "Nancy Schroeder" <nancyschroed@gmail.com>
> **Date:** January 31, 2017 at 11:44:57 AM EST
> **To:** <mayor@townofpalmbeach.com>
> **Subject: Cost of Blower Ban**
>
> Hi Gail,
>
> As an accountant, I have to ask was there a cost analysis done on this proposal? Before the council votes, I believe that you all should know the potential cost to residents of the proposal as clearly home owners landscaping costs will increase. I could not in good conscience cast a vote without that information.
>
> I am reaching out to my landscaper and am happy to share that information with you and the council.
>
> All the best,
>
> Nancy Schroeder
> 646.256.3115

From: Susan Wright
To: Town Council
Cc: Robert Wright; Martin Klein; Julie Araskog
Subject: Leaf Blower Ban
Date: Monday, January 30, 2017 2:44:55 PM

Before you vote on the issue of banning the use of leaf blowers, I would ask that you come up with realistic estimates of the additional cost to residents of such a ban. Not all of us who live in Town have unlimited financial resources to be faced with an extraordinary increase in landscaping expense and yet most of us want to keep our properties looking pristine. In fairness to the people who elected you, we deserve to know the additional cost estimates before you precipitously vote on this measure.

One option that might be examined is to limit the use of leaf blowers in a several block area to one day a week so that a particular neighborhood is not inundated with noise every day.

I think there are many people in Town who would welcome a more thorough study of the implications of an outright ban before you take action on this matter.

Sincerely,

Susan Wright

--
Susan C. Wright
561 659 1956 home
561 324 6181 cell

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

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
Rebecca Williams and Hector Delgado

ATTACHMENTS:

- **Memorandum dated February 7, 2017, from Thomas G. Bradford, Town Manager**
- **Navy Seal Museum Request**

TOWN OF PALM BEACH
Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Consideration of Approval of a Navy Seal Demonstration using a Helicopter in Conjunction with a Charitable Solicitation Permit

Date: February 7, 2017

STAFF RECOMMENDATION

Staff recommends the Town Council give consideration to allowing a Navy Seal demonstration on the grounds of the Mar – a – Lago Club on April 3, 2017 starting at 7:00 PM. It is assumed that the funds raised for the event will be provided to the Navy Seal Museum located in Fort Pierce, Florida.

GENERAL INFORMATION

The Navy Seal Museum wishes to conduct a fundraiser on April 3 at the 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 AM should be waived. I say this on the assumption that it will be dark at 7 PM on April 3.

- In their attached letter the Navy Seal Museum states that the helicopter will not land on the grounds of Mar – a– Lago Club unless approved in advance by an appropriate authority. In the event the helicopter needs to land on the grounds of Mar –a – Lago for any reason you may wish to grant permission for that now. It is not known where the helicopter will take off. In the event it is intended for the helicopter to take off somewhere in town that location should be made known to the Town Council and consideration of a waiver of the takeoff prohibition should be considered.

The Navy Seal Museum has indicated they will provide liability insurance for the event naming the Town and the Mar – a- Lago Club as an additional insured. Town resident Rebecca Williams and Navy Seal Museum representative Hector Delgado are anticipated to 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
Sue Eichorn, Acting Town Clerk
Kathleen Dominguez, Deputy Town Clerk
Regina Kamak, Office Assistant III

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
JAN 30 2017
Town Manager's Office

24 January 2017

Tom Bradford
Palm Beach Town Manager

Mr. Bradford,

We are respectfully requesting approval to conduct a Navy SEAL demonstration on the grounds of the Mar-a-Lago Club on 3 April 2017 starting at 7:00 PM. 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 the Mar-a-largo Club unless approved in advance by appropriate authority. This demonstration will be similar to the event held in 2015. The Navy SEAL Museum will provide liability insurance with the Town of Palm Beach and the Mar-a-largo Club added as additionally insured.

Please do not hesitate to contact me with any questions or concerns.

Thank you,

R Kaiser

Rick Kaiser, Master Chief SEAL (Ret)
Executive Director

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 04-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 70, Offenses by Creating a new Section 70-9 Entitled Balloons and Sky Lanterns Release; Providing for the Prohibition on the Release of Balloons and Sky Lanterns Within the Town; Providing Definitions Regarding the Same; Providing for Severability; Providing for Codification; Providing an Effective Date; and for Other Purposes.

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Ordinance No. 04-2017**

ORDINANCE NO. 04-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 70, OFFENSES BY CREATING A NEW SECTION 70-9 ENTITLED BALLOONS AND SKY LANTERNS RELEASE; PROVIDING FOR THE PROHIBITION ON THE RELEASE OF BALLOONS AND SKY LANTERNS WITHIN THE TOWN; PROVIDING DEFINITIONS REGARDING THE SAME; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Palm Beach, Palm Beach County, Florida, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

WHEREAS, the Town Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country; and,

WHEREAS, marine animals, such as sea turtles, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by marine wildlife; and,

WHEREAS, the Town Council wishes to prohibit the release of balloons and sky lanterns; and,

WHEREAS, the Town Council of the Town of Palm Beach finds that these revisions to the Town's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

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 70. Offenses to add a new Section 70-9 to read as follows:

Section 70-9 – Balloons and Sky Lanterns Release.

(1) No person shall release any balloon or balloons inflated with a gas that is lighter than air or any sky lantern within the jurisdictional limits of the Town of Palm Beach.

(2) This subsection does not prohibit the following:

a. Release of balloons indoors;

b. Release of sky lanterns indoors; or

c. Release of balloons by a governmental agency for scientific or meteorological purposes.

Sky lantern shall mean a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

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 10th day of January, 2017, and for second and final reading on this 14th day of February, 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, Council President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 05-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Section 2-567. Of The Town Code Of Ordinances Relating To The Creation Of An Investment Advisory Committee; Amending Subsection (G) Thereof So As To Include In The Duties Of The Investment Advisory Committee The Obligation To Act As A Citizen Oversight Committee In Regard To The One-Cent Surtax Enacted By Law; To Review The Revenues and Expenditures Of Said Surtax Proceeds By The Town And To File An Annual Report To The Town In Regard To The Committee's Duties As A Citizen Advisory Committee; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Ordinance No. 5-2016**

ORDINANCE NO. 05-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 2-567. OF THE TOWN CODE OF ORDINANCES RELATING TO THE CREATION OF AN INVESTMENT ADVISORY COMMITTEE; AMENDING SUBSECTION (g) THEREOF SO AS TO INCLUDE IN THE DUTIES OF THE INVESTMENT ADVISORY COMMITTEE THE OBLIGATION TO ACT AS A CITIZEN OVERSIGHT COMMITTEE IN REGARD TO THE ONE-CENT SURTAX ENACTED BY LAW; TO REVIEW THE REVENUES AND EXPENDITURES OF SAID SURTAX PROCEEDS BY THE TOWN AND TO FILE AN ANNUAL REPORT TO THE TOWN IN REGARD TO THE COMMITTEE'S DUTIES AS A CITIZEN ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the voters of Palm Beach County, have, by referendum, adopted an ordinance of Palm Beach County creating a one-cent sales surtax, which sales surtax commences on January 1, 2017; and

WHEREAS, the county ordinance and the ballet language approved by the voters provides that municipal expenditures of the one-cent sales surtax shall be subject to independent oversight by a Citizens' Oversight Committee; and

WHEREAS, the Town has in operation, pursuant to the terms of Section 2-567 of the Town Code an Investment Advisory Committee; and

WHEREAS, it is determined by the Town Council that it is appropriate for the Investment Advisory Committee to also serve as the Citizen Oversight Committee for the purposes described in the county's ordinance relating to the one-cent sales surtax.

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

Section 1. Section 2-567. Relating to the Investment Advisory Committee i s hereby amended at Subsection (g) to read as follows:

(g) Duties, obligations and functions.

(1) The Investment Advisory Committee shall act in an advisory capacity and shall make recommendations to the Town Council on matters relating to the Town's investment policy. The Investment Advisory Committee shall advise the director of finance on the investment of the Town's surplus funds. All recommendations must be made within the constraints and limitations of F.S. § 218.415.

(2) The Investment Advisory Committee shall also act as a citizens' oversight committee in regard to the one-cent sale surtax which, by law, commences on January 1, 2017. The committee, acting as a citizen oversight committee, shall serve to review the revenues and expenditures of surtax proceeds by the Town; and shall provide annually, a report to the Town Council relating to same.

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 10th day of January, 2017, and for second and final reading on this 14th day of February, 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, Council President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Ordinances - Second Reading

Agenda Title
ORDINANCE NO. 06- 2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 2, Administration, Article X, Shore Protection Board at Section 2-636, so as to Create Term Limits and so as to Provide for The Appointment of Alternate Members; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter
John C. Randolph, Town Attorney

ATTACHMENTS:

- **Ordinance No. 06-2017**

ORDINANCE NO. 06-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION, ARTICLE X, SHORE PROTECTION BOARD AT SECTION 2-636, SO AS TO CREATE TERM LIMITS AND SO AS TO PROVIDE FOR THE APPOINTMENT OF ALTERNATE MEMBERS; 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 to read as follows:

"Sec. 2-636. - Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

(a) Generally,. A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the Town Council. Two of such board members shall hold office from the date of their appointment for a period of one year, two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by Town Council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment may serve one additional three-year term. Members of the board shall be residents of the town; however, one of the members may be a nonresident of the town provided said member has a special skill as it relates to shore protection. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.

(b) Alternate members. The Town Council may in its discretion appoint up to two alternate members to the Shore Protection Board who shall serve when called upon by the chair of the board in the absence of any regular member. Alternate members are required to attend all meetings of the board and are subject to the same attendance requirements as regular members with the same provisions

relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the board whether they are sitting as voting members or not.

(c) Removal provisions. All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(d) Frequency of meetings. The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.

(e) Officers, rules of procedure. The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.

(f) Advisory capacity. The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination."

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 10th day of January, 2017, and for second and final reading on this 14th day of February, 2017.

_____	_____
Gail L. Coniglio, Mayor	, Town Council President
	_____
	, Council President Pro Tem
	_____
	, Town Council Member
	_____
ATTEST:	, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Ordinances - First Reading

Agenda Title
ORDINANCE NO. 07-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-20, Reserve for Member Contributions; Amending Section 82-134, Retirement Age and Service Conditions for Benefit Group General and Benefit Group Lifeguard; Amending Section 80-135, Amount of Pension for Benefit Group General and Benefit Group Lifeguard; Providing for Severability; Amending Section 82-139, Deferred Retirement Option Program for Members of Benefit Group General and Benefit Group Lifeguard; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

a. Consideration of Motion to direct current and future fiscal year savings from Ordinance No. 7-2017 to the Pension Fund to reduce unfunded liability of the Pension Fund.

Presenter
Jane Struder, Director of Finance

ATTACHMENTS:

- **Memorandum Dated February 3, 2017, from Jane Struder, Director of Finance**
- **Exhibits**
- **Ordinance No. 07-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Ordinance Adopting Pension Benefit Changes for General Employees and Lifeguards
Ordinance No. 07-2017

Date: February 3, 2017

STAFF RECOMMENDATION

Staff is recommending the Town Council approve Ordinance No. 07-2017 adopting the pension benefit changes for General Employees and Lifeguards. Staff is also requesting that the Town Council memorialize their intention to appropriate the annual savings from the changes to the Retirement Fund to pay down the increase in the UAAL.

GENERAL INFORMATION

Defined Benefit Pension Changes
At the January 10, 2017, Town Council meeting the Town Council conceptually approved pension changes for General Employees and Lifeguards. These changes include increasing the multiplier from 1.25% to 1.70%, changing the retirement age from 65 to 62 and increasing the employee DB contribution from 2.47% to 3.5%.

Defined Contribution (DC) Changes
The employee DC contribution will change from 4% to 3% and the Town will match it with a 3% contribution. The employee will have the option of contributing up to an additional 2% and the Town will match it up to 2%. The Town currently matches the employee's 4% mandatory contribution and the Town may elect to contribute an additional discretionary 4% contribution each year. These changes will be reflected in a Resolution that will be presented at the March Town Council meeting.

Both the defined benefit and defined contribution changes, if adopted, will be implemented with the first full pay period after May 1, 2017. A summary of the changes is shown on Exhibit A.

FUNDING FISCAL IMPACT

The fiscal impact to the Town for the pension changes is shown in Exhibit B. The changes will provide an annual savings over the current benefits of $294,391 per year (assuming the Town's full 8% DC contribution). The changes increase the UAAL by $1,167,269. The Town Council has requested that the savings be applied each year to the UAAL until it is fully funded. The payback period is estimated at 3.97 years. In addition, in the current fiscal year, FY2017, the town will save between $150,000 and $200,000 depending on the number of employees that choose the discretionary contribution. It is recommended that this savings also be transferred to the Retirement Fund to reduce the unfunded liability.

TOWN ATTORNEY REVIEW

Ordinance No. 07-2017 was prepared by Jim Linn, partner with Lewis, Longman and Walker, the Town's pension attorney.

Attachments
Jls

cc: Jay Boodheshwar, Deputy Town Manager
Department Directors
William Hanes, Pension Administrator
Jim Linn, Pension Attorney

EXHIBIT A
SUMMARY OF PROPOSED GENERAL EMPLOYEE RETIREMENT BENEFIT CHANGES

	Current Benefits	Proposed Plan 1/10/17
Retirement Age	65	62
Multiplier	1.25%	1.70%
Employee Contribution	2.47%	3.50%
DC Employee Contribution	4.00%	3.00%
DC Town Contribution	4%-8.00%	3.00%
Optional Employee DC Contribution	0.00%	2.00%
Optional Employer DC Match	0.00%	2.00%

EXHIBIT B
GENERAL EMPLOYEE RETIREMENT BENEFIT CHANGE
FINANCIAL IMPACT

	Current Benefits	Proposed Benefit
Town DB Contribution	$3,018,182	$3,187,747
Town DC Contribution	$937,347	$473,391
Total Town Contribution	$3,955,529	$3,661,138
Savings		$294,391
Estimated UAAL at 7% Rate of Return	$34,585,503	$35,754,772
UAAL Increase		$1,167,269
Payback Period Using Savings to Reduce UAAL Increase		3.97 Years

ORDINANCE NO. 07-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-20, RESERVE FOR MEMBER CONTRIBUTIONS; AMENDING SECTION 82-134, RETIREMENT AGE AND SERVICE CONDITIONS FOR BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; AMENDING SECTION 80-135, AMOUNT OF PENSION FOR BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; PROVIDING FOR SEVERABILITY; AMENDING SECTION 82-139, DEFERRED RETIREMENT OPTION PROGRAM FOR MEMBERS OF BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-80, to read as follows:

Sec. 82-80. - Reserve for member contributions.

* * *

(f) Notwithstanding the provisions of subsection (c) above, effective the first full pay period after May 1, 2017 the member contribution rate for benefit group general and benefit group lifeguard members who were employed but did not attain normal retirement eligibility based on credited service as of May 1, 2012, and for benefit group general and benefit group lifeguard members hired on or after May 1, 2012, shall be 3.5% of compensation.

(g)~~(f)~~ The individual responsible for preparing the town payroll shall cause the contributions provided for in subsection (b) of this section to be deducted from the compensation of each member on each payroll. The deducted contributions shall be paid to the retirement system and shall be credited to the member's individual accounts in the reserve for member contributions. Member's contributions shall be made notwithstanding that the minimum compensation provided by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided herein. Payment of compensation, less the deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by the member during the period covered by such payment, except as to benefits provided by the retirement system.

(h)~~(g)~~ The accumulated contributions of a member shall be transferred from the reserve for member contributions to the reserve for retired benefit payments upon a member's retirement or death. At the expiration of a period of four years from the date an individual without entitlement to a vested termination pension provided in section 82-94, 82-114, or 82-134 ceases to be a member, any balance in the reserve for member contributions unclaimed by the individual or the individual's legal representative shall be transferred to the reserve for undistributed investment income. Provided, however, that a former firefighter member or a former police officer member may voluntarily leave his or her contributions in the fund for a period of five years after leaving the employ of the town, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a member. If such former member is not re-employed as such with the same department within five years, his or her contributions shall be returned without interest.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-134, to read as follows:

Sec. 82-134. - Retirement age and service conditions for benefit group general and benefit group lifeguard.

* * *

(b) The age and service conditions for normal retirement are as follows:

(1) *Benefit group general.*

a. *Normal retirement.*

1. Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 55 with ten or more years of credited service, or 30 or more years of credited service without regard to age.

2. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 55, or 30 or more years of credited service without regard to age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service. Effective May 1, 2017, such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 62 with ten or more years of credited service. The preceding

sentence shall apply to members who are participating in the DROP on May 2017, and to members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before May 1, 2017.

3. Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age ~~65~~62 with ten or more years of credited service.

* * *

(2) Benefit group lifeguard.

a. Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month plus credited service totals 65 years or more and the member has ten or more years of credited service.

b. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon termination of town employment and attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more; and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service. Notwithstanding the preceding sentence, effective May 1, 2017, such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 62 with ten or more years of credited service. The preceding sentence shall apply to members who are participating in the DROP on May 1, 2017, and to members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before May 1, 2017.

c. Benefit group lifeguard age 60 early retirement option. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect to retire at age 60 subject to the early retirement reduction specified in subsection 82-135(c)(1)g.

d. Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 62~~65~~ with ten or more years of credited service.

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-135, to read as follows:

Sec. 82-135. - Amount of pension for benefit group general and benefit group lifeguard.

* * *

(c) The benefit formulas are:

(1) *For benefit group general.*

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date: average final compensation multiplied by the sum of 2.75 percent of credited service rendered after September 30, 1990, to a maximum of 82.5 percent, plus 2.35 percent of credited service rendered prior to October 1, 1990, plus 1.0 percent of credited service, if any, in excess of 30 years, provided that years of credited service under the first two clauses of this subsection shall not exceed 30 and provided further that the second clause shall apply only to the extent that years of credited service under the first clause are less than 30.

b. Effective May 1, 2012, the accrued benefits of all members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be frozen. The value of each member's frozen accrued benefit shall be calculated in accordance with subparagraph a., above, based on credited service and average final compensation on April 30, 2012.

c. For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under subsection 82-135(c)(1)a. above, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and April 30, 2017; and 1.70 percent of average final compensation multiplied by years of credited service on and after May 1, 2017.

d. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation on April 30, 2012, payable upon attaining age 55 or completion of 30 years of credited service regardless of age, and termination of town employment or

entry into the DROP; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 62~~65~~ with ten or more years of credited service, and termination of town employment or entry into the DROP.

* * *

(2) *For benefit group lifeguard.*

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date: average final compensation multiplied by the sum of 2.85 percent of credited service to a maximum of 71.25 percent, plus 1.0 percent of credited service, if any, in excess of 25 years for benefit group lifeguard.

b. Effective May 1, 2012, the accrued benefits of all members who did not attain normal retirement eligibility based on credited service as of that date, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be frozen. The value of each member's frozen accrued benefit shall be calculated in accordance with subparagraph a., above, based on credited service and average final compensation on April 30, 2012.

c. For credited service on and after May 1, 2012, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service between May 1, 2012 and April 30, 2017; and 1.70 percent of average final compensation multiplied by years of credited service on and after May 1, 2017.

d. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation on April 30, 2012, payable upon attaining age 50 or the date on which the member's age to last completed month plus credited service totals 65 years or more, and termination of town employment or entry into the DROP; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 62~~65~~ with ten or more years of credited service, and termination of town employment or entry into the DROP.

e. Benefit group lifeguard age 60 early retirement option. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or

after May 1, 2012, may elect to retire at age 60 and receive a benefit based on credited service on and after May 1, 2012, subject to an early retirement reduction equal to the full actuarial cost of each month that early retirement precedes the date the member would have met the applicable age and service conditions for normal retirement under subsection 82-134(b)(2)d., if the member had not elected early retirement.

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-139, to read as follows:

Sec. 82-139. - Deferred retirement option program for members of benefit group general and benefit group lifeguard.

* * *

(b) *Eligibility of member to participate in the DROP.* Retirement system members are eligible to elect participation in the DROP provided that they elect to retire as of a date certain and provided that:

(1) Election to participate may be made at any time following the date on which the member first reaches normal retirement date or age as follows:

a. Members of benefit group general who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon attaining age 55 or upon completion of 30 years of credited service regardless of age. The benefit payable to such member shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012, shall be payable to such member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 62~~65~~.

b. Members of benefit group lifeguard who were employed by the town and not participating in the DROP on May 1, 2012, shall be eligible to participate in the DROP upon attaining age 50 or the date on which the member's age to last completed month plus credited service totals 65 years or more. The benefit payable to such member shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012, shall be payable to such member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 62~~65~~.

c. Members of benefit group general and benefit group lifeguard hired on or after May 1, 2012, shall be eligible to participate in the DROP upon attaining age 62~~65~~ with ten or more years of service.

* * *

Section 5. 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 6. 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 7. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2017

Section of Agenda
Ordinances - First Reading

Agenda Title
ORDINANCE NO. 21-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 42, Environment; Article V, Noise; Section 42-230, Lawn Maintenance Equipment Noise, so as to Modify the Title; to Provide that Lawn Maintenance Shall be Limited to the Hours of Construction Work at Section 42-199; to Define the Hours and Days, of Operation of Lawn Maintenance Equipment, Providing Certain Exceptions; Providing for Sound Level Meter Measurements; Providing for Definition of Lawn Maintenance Equipment; Providing a Prohibition of Large Scale Landscape Installation on Saturdays; 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 February 3, 2017, From Jay Boodheshwar, Deputy Town Manager**
- **Ordinance No. 21-2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2017

To: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Town Code of Ordinances, Relative to Use of Landscape Maintenance Equipment
Ordinance No. 21-2016

Date: February 3, 2017

STAFF RECOMMENDATION

Staff recommends Town Council approve Ordinance No. 21-2016, amending Chapter 42, Section 42-230 of the Town Code of Ordinances, relative to landscape maintenance noise and hours of operation, as recommended by the Ordinances, Rules and Standards (ORS) Committee at their January 12, 2017, meeting.

GENERAL INFORMATION

The ORS Committee has studied potential amendments to the Town Code over several meetings since August 2016, relative to permitted hours for landscape maintenance equipment use.

After hearing from residents and industry representatives and giving much consideration to various potential code changes, the ORS Committee has recommended an amendment to the Town Code to revise the timeframes in which the use of landscape maintenance equipment is permitted. The primary intent of said recommendation is to create consistency between the winter and summer months, while striking a balance between landscaping needs and ensuring sufficient quiet time for residents to enjoy their outdoor spaces with minimal noise.

TOWN ATTORNEY REVIEW

The Town Attorney prepared and approved Ordinance No. 21-2016.

Attachment

cc: Department Directors
John C. Randolph, Town Attorney
Nicholas Caristo, Police Captain
Benjamin Alma, Code Enforcement Manager

ORDINANCE NO. 21-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENT; ARTICLE V, NOISE; SECTION 42-230, LAWN MAINTENANCE EQUIPMENT NOISE, SO AS TO MODIFY THE TITLE; TO PROVIDE THAT LAWN MAINTENANCE SHALL BE LIMITED TO THE HOURS OF CONSTRUCTION WORK AT SECTION 42-199; TO DEFINE THE HOURS AND DAYS, OF OPERATION OF LAWN MAINTENANCE EQUIPMENT, PROVIDING CERTAIN EXCEPTIONS; PROVIDING FOR SOUND LEVEL METER MEASUREMENTS; PROVIDING A DEFINITION OF LAWN MAINTENANCE EQUIPMENT; PROVIDING A PROHIBITION OF LARGE SCALE LANDSCAPE INSTALLATION ON SATURDAYS; 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 42, Environment; Article V, Noise, Section 42-230, Lawn Maintenance Equipment Noise, to read as follows:

"Sec. 42-230. - Lawn maintenance ~~equipment noise~~.

(a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199, including the prohibitions stated therein on Sundays and all legal holidays, including the Friday immediately after Thanksgiving.

(b) Operation of lawn maintenance equipment shall be limited to the following hours ~~outlined for construction work at section 42-199, including the prohibitions stated therein on Sundays and all legal holidays~~ and such use is hereby prohibited outside the days and times stated below:

Monday – Friday from 9:00 am to 5:00 pm

Saturday from 9:00 am to Noon

(c) Nothing ~~in this section shall preclude the operation of lawn maintenance equipment on Saturdays or the Friday immediately after Thanksgiving. Additionally, nothing~~ in this section shall preclude the operation of lawn maintenance equipment, ~~including leaf blowers,~~ by residents on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, golf course maintenance equipment within the town is not restricted during the hours outlined herein; ~~for construction work at section 42-199;~~ however, such golf course maintenance equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing. The sound level meter measurement for lawn maintenance equipment shall be no greater than 75 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on golf courses.

(d) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, ~~and monofilament line~~ grass trimmers, and power washers.

(e) ~~Leaf blowers shall be prohibited from use between the hours of 5:00 p.m. and 9:00 a.m. Additionally, during the period of the year commencing December 1 and ending April 30, leaf blowers may be used on Saturdays only from 9:00 a.m. to 12:00 p.m.~~ Leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet from the point of operation. It shall be unlawful to blow, sweep or rake yard trash or clippings into the public street or storm drains.

(f) There shall be no commencement of large scale landscape installation at any time on Saturdays."

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 ____ day of _____, 2017, and for second and final reading on this ____ day of _____, 2017.

_____ _____

Gail L. Coniglio, Mayor

_____

_____

_____

ATTEST:

_____ _____

Susan A. Owens, MMC, Town Clerk