



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

JANUARY 14, 2020

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. PRESENTATIONS

- A.** Presentation on Royal Poinciana Playhouse
Alexandra Patterson, Up Markets
- B.** Annual Report of Palm Beach Island Cats
David Leavitt, President

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VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

- 1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk
 - a. November 12, 2019, Town Council Meeting Minutes
 - b. November 13, 2019, Town Council Development Review Meeting Minutes
Deferred from the December 10, 2019, Town Council Meeting
 - c. December 10, 2019, Town Council Meeting Minutes
 - d. December 11, 2019, Town Council Development Review Meeting Minutes
- 2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 13, 2019.
Josh Martin, Director of Planning, Zoning and Building

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B. RESOLUTIONS

- 1. RESOLUTION NO. 01-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Creating A Town Of Palm Beach 2020 Census "Complete Count Committee".
Josh Martin, Director of Planning, Zoning and Building

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C. OTHER

- 1. Request to Pause on Further Discussions Regarding Parking Matters
Jay Boodheshwar, Deputy Town Manager
- 2. Request to Consider Ordinance No. 1-2020 at a Public Meeting Prior to 5:00 p.m.
Josh Martin, Director of Planning, Zoning and Building
- 3. Use of Right-of-Way Variance for Sunset Avenue Lane Closure for T3 Project
H. Paul Brazil, P.E., Director of Public Works
- 4. Review of Request for Additional Testing of Landfill at Okeechobee Boulevard Per Request of Potential Developers of Property for

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Landlease
Kirk W. Blouin, Town Manager

IX. BOARD/COMMISSION ANNUAL REPORT

- A.** Annual Report of the Recreation Advisory Commission Page 147
Nicholas Coniglio, Chair

X. REGULAR AGENDA

A. Old Business

1. Coastal Update:
 - a. Shore Line Condition Update
H. Paul Brazil, P.E., Director of Public Works
2. Town-wide Undergrounding Project Page 153
 - a. Review of Project and Status Summary
Steven Stern, Project Manager

B. New Business

1. Review of Town Sponsored Business Association Special Events Administrative Procedure Page 201
Jay Boodheshwar, Deputy Town Manager
2. Request from the Palm Beach County Bar Association Young Lawyers Section (PBCBA YLS) for 5K Run/Walk Event Page 214
Jay Boodheshwar, Deputy Town Manager
3. Discussion of the Town's Role in the 2020 Townwide Event to Celebrate the 100th Anniversary of the Ratification of Women's Right to Vote in America Page 226
THERE IS NO BACK-UP FOR THIS ITEM
Bobbie Lindsay, Town Council Member
4. Discussion Regarding Saturday Quiet Work, As Permitted by Ordinance No. 03-2018 Page 227
Julie Araskog, Town Council Member
5. Consideration for ORS Committee to Study Regulations Pertaining to the Use of Synthetic Turf Page 233
Bobbie Lindsay, Town Council Member

C. Matters Pulled From Consent Agenda: If needed

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 40-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Article X. – On-Street Page 245

Parking Permits, at Section 134-2296(c) and Section 134-2327(2); Relating to Issuance of Decals and Visitor/Service Permits; Allowing for the Issuance of Eight Decals and Visitor/Service Permits Instead of the Four Currently Allowed; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. ORDINANCE NO. 04-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 Of The Town Code Of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 Of The Town Code Of Ordinances, Parks And Recreation, Article II, Beach And Aquatic Activities, Division 3, Regulation Of Use Of Public Beaches; At Sec. 74-191, Animals Prohibited, So As To Add An Exception To Permit Leashed Dogs On Public Beaches Between Sunset Avenue And Wells Road; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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Jay Boodheshwar, Deputy Town Manager

XII. COMMENTS OF TOWN COUNCIL MEMBERS

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the 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 Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

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

- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Presentations

Agenda Title

Annual Report of Palm Beach Island Cats

Presenter

David Leavitt, President

ATTACHMENTS:

- ▣ **Letter Dated January 6, 2020, from David Leavitt, President, Palm Beach Island Cats**
- ▣ **Field Statistics for 2019**



Palm Beach Island Cats, Inc.

P.O. Box 173, Palm Beach, FL 33480

islandcat@pbislandcats.org

www.pbislandcats.org

561-800-4725

January 6, 2020

Dear Town Council and Manager,

Palm Beach Island Cats is currently taking caring for 470 community cats. We caught and adopted out thirty three kittens this year. Twenty-four of them came from just two trap-shy moms. We successfully trapped one of the moms but sadly a passerby released her. Cats are still being dumped here and they seem always to be fertile and often are pregnant.

Our 11 euthanasias were all age related except for one dumped 6-week-old kitten who tested positive for FELUK (leukemia), FIV (aids), as well as herpes. For your information, our FELUK cats can live a long normal life. FIV, on the other hand, is fatal. Of our 11 euthanasias, many had cancer and no cat was younger than twelve.

For years we have we have tried in vain to get a well-meaning couple to stop periodically dumping big quantities of poor-quality food in public places. Last spring they started going out every other night. This was a big problem for us as our cats are trained to appear at the same time nightly so we can monitor their health and because we come back 2 hours later and clean up any remaining food. The dumped food was in spots where we need to keep a low profile too. Raccoons were attracted and 4 cats were injured by them, leading to vet bills from \$1,100 to \$2,200 apiece. The cats were traumatized by their necessary hospitalization. We tried to reason with the feeders and failed. The couple maintained they had to feed because we were not feeding every night. To answer this false claim we installed a GPS monitor in our feeding team car which is used every night. I wish to thank Code Enforcement Officer Julien Felix and Police Sgt. Reyes for their help in putting an end to this problem.

We are financially sound and have two wonderful new Board members.

We feed only where we have permission and at the same time in the wee hours of the morning when traffic is at a minimum. We feed high quality food. We fed 5,720 lbs. of dry food and 57,626 cans of wet cat food this year. Our Field Director handles hundreds of resident calls and does it promptly. We are one of the few truly successful TNR programs. Our success is based on our staff, adequate funding, good protocols and the support of our Town government. PBIC is very happy to be able to continue caring for our cats and residents.

Sincerely,

David Leavitt

President, Palm Beach island Cats

Palm Beach's Community Cat Caretaker

Palm Beach Island Cats Field Stats for 2019

131 Re-vaccination

25 Sterilizations

29 Medical treatments

11 Euthanasia

3 Dead on arrival

7 Litters of kittens – 34 kittens total

Food

5,720 lbs. of dry cat food

57,626 cans wet food

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda Minutes

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

- a. November 12, 2019, Town Council Meeting Minutes
- b. November 13, 2019, Town Council Development Review Meeting Minutes
Deferred from the December 10, 2019, Town Council Meeting
- c. December 10, 2019, Town Council Meeting Minutes
- d. December 11, 2019, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **November 12, 2019, Town Council Meeting Minutes**
- ▣ **November 13, 2019, Town Council Development Review Meeting Minutes**
- ▣ **December 10, 2019, Town Council Meeting Minutes**
- ▣ **December 11, 2019, Town Council Development Review Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 12, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, November 12, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the Agenda:

- a. Item No. XII. B. 1. was given a 12:00PM Time Certain

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

- A. Presentation on Royal Poinciana Playhouse
Alex Patterson, UpMarkets

Ms. Patterson provided an update on the lease efforts of the theater. She reported that meetings are happening with four (4) potential operators.

The Mayor and Town Council members thanked and congratulated Ms. Patterson for her efforts and on the success of the plaza to date. Discussion ensued regarding concerns with parking issues affecting the plaza negotiations, the underutilization of the plaza's property, and the need for more flexibility regarding use of the theater.

In response to questions, Ms. Patterson explained that the theater is being marketed as a dynamic cultural arts center with live performances, films and private events.

It was the consensus of the Town Council to invite Ms. Patterson to the January 14, 2020, Town Council meeting to provide another update.

- B. Temporary Docks at Flagler Museum for Special Event Hosted by the Marine Industries Association of Palm Beach County and Informa Markets from March 26 to 29, 2020

Josh Martin, Director of Planning, Zoning and Building

Harvey Oyer provided an overview of the special event, which included the expected number of guests, temporary dock sizes, 24-hour security and fire plans. He also reported that adjacent neighbors, the Breakers Hotel, Palm Beach Towers and Royal Poinciana Plaza were in support of this invitation-only event.

Council Members asked questions regarding any potential impacts on residents, including traffic implications, the number of guests expected, the invitees, and the yachts expected to participate.

In response to questions, Andrew Doolan from Informa Markets confirmed that the temporary docks will be floated over from West Palm Beach so there will be no traffic impacts to the Town.

The Mayor and Town Council spoke in support of the event.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the floating docks for the Flagler Museum event. On roll call, the motion passed unanimously.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by Investment Advisory Committee Applicants
Kathleen Dominguez, CMC, Town Clerk

Robert Ciolek, 3200 S. Ocean Blvd., A503, provided a summary of his qualifications and experience.

Council Member Crampton spoke regarding his knowledge of Mr. Ciolek's experience as an Auditor in Massachusetts' government.

In response to questions, Mr. Ciolek confirmed that he would be able to attend all the IAC meetings.

Alan Scheuer, 1332 N. Ocean Blvd., provided a summary of his qualifications and experience.

In response to questions, Mr. Scheuer spoke regarding his availability to attend the meetings.

Town Manager Blouin commented that the 2020 IAC meeting dates could be worked out with the Director of Finance.

- B. Appointments to the Investment Advisory Committee
Kathleen Dominguez, CMC, Town Clerk

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the appointment of Alan Scheuer as a regular member of the Investment Advisory Committee. On roll call, the motion passed unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked Captain Curtis Krauel of the Police Dept. and announced his retirement after twenty-two (22) years of service to the Town. She spoke regarding the Memorial Fountain ceremony and plaque dedication that was held earlier that morning and mentioned the fabulous response to the Flags for Heroes event in Bradley Park.

She also enumerated the home rule issues that will be focused on during the upcoming legislative sessions in 2020 being water quality, Lake Okeechobee and beach management. She spoke of the efforts and partnerships being made to ban plastic bags and announced the "How Can I Help?" column and petition on the Town's website for citizens who wish to get involved.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Crampton thanked the Mayor for her leadership on the local ban of plastic bags. He shared comments received from residents about the need for a local dog park in the Town of Palm Beach. He asked if the Town Council had an appetite to research this item further.

Council President Moore gave some historical background on the subject of dog parks in the Town of Palm Beach.

It was the consensus of the Town Council to add a discussion about researching a potential dog park location under Any Other Matters.

Council Member Lindsay announced that Part II of the panel discussion “Where Have All the Songbirds Gone?” will be held on February 3, 2020 and will be filmed by Bill Metzger in partnership with film students from local schools. She also announced that Pan’s Garden will be showcasing their native gardens on Saturday, November 23rd with a family event. She echoed the Mayor’s comments regarding banning single-use plastic bags. She spoke regarding the Palm Beach Civic Association’s news broadcast that featured Paul Colby, the Town’s Facilities Maintenance Manager, sharing the Town’s replacement of Ficus Benjamina hedges at Town owned locations with native and Florida Friendly alternatives.

Bill Metzger, 277 Esplanade Way, gave an overview of the “Where Have All the Songbirds Gone?” event. He spoke regarding the various partnerships, leadership, and education.

Council Member Araskog commented on the success of the Songbirds panel. She reported that pool cleaners, landscapers and construction companies have been seen coming to the island on Sundays and asked the Town to send out a reminder about zero work on Sundays. She also commented on the recent loss of a historic specimen tree and suggested the Town looking at increasing the penalty fees for unauthorized removals.

Mayor Coniglio announced that an Environmental Forum on the Town of Palm Beach’s initiative to eliminate the use of plastic bags is scheduled for December 12th at 10am at the Royal Poinciana Chapel.

Council President Pro Tem Zeidman announced that a Community Safety forum is scheduled for November 19th from 6-8:00 p.m. in the Town Council Chambers. She commended the Police Department for going green with the purchase of two (2) hybrid vehicles.

Council President Moore thanked the Palm Beach Rotary Club for the flags placed on Royal Poinciana Way during Veterans Day weekend. She also encouraged residents to have their staff get a Town ID card in order to return to the island after a hurricane.

IX. COMMUNICATIONS FROM CITIZENS

Andrew Roddy, 231 Kenlyn Rd., thanked the Mayor and Town Council for safeguarding the community. He spoke regarding public health in Palm Beach; moving from fossil fuel to electric technology and banning gas-powered leaf blowers to provide a better health atmosphere. He thanked the Town for the undergrounding of the north end.

Ellen Howe, 2295 S. Ocean Blvd., spoke regarding charging stations for electric vehicles and the Town purchasing electric cars as replacements for Town vehicles.

Simon Taylor, 234 Oleander Ave., commended Alex Patterson and spoke regarding the Royal Poinciana Playhouse. He commented on the challenges being faced to reopen the theater. He also shared his observations of the vision and reopening, public-private funding, and commented that no amended agreement is needed.

Neil Schiller, Attorney, Saul Ewing Arnstein & Lehr, 515 N. Flagler Dr., West Palm Beach, spoke regarding the Public Works Director's decision to change the pick-up location of the Palm Beach Hotel's solid waste and recyclable materials. He requested that the Town allow the Hotel to leave their solid waste and recyclable materials at the original location for pick-up until the appeal is heard at the December 10th Town Council meeting.

Steve Smith, 122 Kings Rd., owner of the Palm Beach Hotel Ballroom, spoke regarding the need to address the current pick-up plan while the appeal is waiting to be heard.

Town Manager Blouin explained that the ordinance provides that the Director of Public Works can determine the solid waste pick-up locations.

Town Attorney Randolph opined on the appeal process and explained that the Town Council has the authority to delay the Public Works Director's decision before the appeal is heard.

Paul Brazil, Director of Public Works, explained the reason for changing the pick-up location.

It was the consensus of the Town Council to place the Palm Beach Hotel's request under Any Other Matters for further discussion.

Diane Buhler, Friends of Palm Beach, announced beach clean-up dates and educational events, which included an Educational movie series.

The following residents commented on the FY 2019-20 tennis rate increases:

Beth Cole, 1193 N. Lake Way
Howie Murray, 3475 S Ocean Blvd.
Bill Fritz, 315 Cocanut Row

Richard Lynn, 165 Brazilian Avenue, new President of Greater South County Road Association, commended past President Patti Sans, and spoke regarding the goals of the organization to promote the businesses on that street.

X. APPROVAL OF CONSENT AGENDA

Item Nos. X. C. 4. and X. C. 6. were pulled from the Consent Agenda and placed under Item XII.C.

Item No. X. C. 2. was withdrawn from the Agenda.

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

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, CMC, Town Clerk
 - a. October 10, 2019, Town Council Meeting Minutes
 - b. October 10, 2019, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 30, 2019.

B. RESOLUTIONS

1. RESOLUTION NO. 125-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County in the Amount of \$82,442.69 for FY20.
Nicholas Caristo, Chief of Police
2. RESOLUTION NO. 127-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of Bid No. 2018-28, Vegetation and Litter Removal to Property Works in the Amount of \$131,216 for FY20, FY21, and FY22 Contingent Upon Budget Approval and Satisfactory Vendor Performance.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 128-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of Bid No. 2018-6, Town Fountain Maintenance to Mako Pools in the Amount of \$78,000 for FY20, FY21, and FY22 Contingent Upon Budget Approval and Satisfactory Vendor Performance.
Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 129-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of RFQ No. 29-2016, Irrigation Contractor to B Ellis Enterprises Inc. in the Amount of \$30,000 for FY20 and FY21 Contingent Upon Budget Approval and Satisfactory Vendor Performance.
Dean Mealy, Purchasing Manager
5. RESOLUTION NO. 130-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Piggyback Extension of the Palm Beach County School Board Contract 17C-19T, Asphalt Paving to M&M Asphalt Maintenance, Inc. dba All County Paving in the Amount of \$100,000 for FY20.
Dean Mealy, Purchasing Manager
6. RESOLUTION NO. 133-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn & Associates, Inc., for Landfill Facilities 2020 On-Call Consulting, Compliance Sampling and Monitoring in the Amount of \$99,648 and a Project Budget of \$109,612.
Dean Mealy, Purchasing Manager
7. RESOLUTION NO. 134-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Extension of RFP 2017-18, Historic Preservation Consulting Services to Murphy Stillings for FY20 in the Amount of \$60,000.
Dean Mealy, Purchasing Manager
8. RESOLUTION NO. 135-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2019-37, Construction of Police Department Virtual Room to Seven Star Construction in the Amount of \$93,743 and a Project Budget of \$107,803.
Dean Mealy, Purchasing Manager
9. RESOLUTION NO. 136-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract in an Amount not to Exceed \$75,000 to Hartford Life and Accident Insurance Company, to Provide Group Life, Accidental Death and Dismemberment, and Supplemental Life Insurance and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.
Danielle Olson, Director of Human Resources
10. RESOLUTION NO. 137-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed \$225,000 to Provide

Administrative Services for Group Health, Prescription And Dental Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract.
Danielle Olson, Director of Human Resources

11. RESOLUTION NO. 138-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant for Project No. PB-PB-19-208, Between the Florida Inland Navigation District and The Town of Palm Beach Under the Waterways Assistance Program, Specifically Construction Reimbursement for the Town of Palm Beach Town Dock Replacement Project, in the Amount of \$3,062,000, and Authorizing the Mayor to Execute Same on Behalf of the Town.
H. Paul Brazil, P.E., Director of Public Works

C. OTHER

1. Appointment to the Public Employees Relations Commission Panel per PERC Ordinance Appendix "A" Section 1.003
Danielle Olson, Director of Human Resources
2. Approve Request by Florida Power & Light to Close Orange Grove Road for Eleven (11) Days
*H. Paul Brazil, P.E., Director of Public Works – **WITHDRAWN***
3. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts
Jane LeClainche, Director of Finance
4. 726 Hi-Mount Road – Authorize Town Manager to Enter into a Hold Harmless Agreement and Waive Driveway Site Visibility Requirements
*H. Paul Brazil, P.E., Director of Public Works – **PULLED FROM CONSENT***
5. General Fund Contingency Allocation Request for the Purchase of a Rotary Turf Mower, Not to Exceed \$9,000
Carolyn Stone, Director of Business Development and Operations
6. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon for Palm Beach County's Jupiter-Carlin Federal Shore Protection Project
*H. Paul Brazil, P.E., Director of Public Works – **PULLED FROM CONSENT***

XI. COMMITTEE REPORTS

A. Report of the Public Works Committee Meeting Held on October 11, 2019
Bobbie Lindsay, Chair

Chair Lindsay provided the highlights of the meeting, which included a discussion on the proposed free pick-up service for residents who wish to dispose of their ficus benjamina hedges and the cost to the Town. She also provided an update on the Town's green initiative and various construction projects.

Discussion ensued regarding the goal and focus of the green initiative.

In response to questions, Council Member Lindsay spoke regarding the importance of going chemical-free and the goal to replace hedges with natives or Florida-friendly plantings in order to attract more birds, butterflies, and native wildlife.

Mayor Coniglio remarked that the Town should be a leader in the green initiative program. She acknowledged the incentive to the residents and suggested quantifying the cost savings to the residents when the time comes to decide on whether the Town should remove ficus benjamina from private properties at the taxpayer's expense.

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

B. Report of the Ordinances, Rules and Standards Committee Meeting Held on October 24, 2019

Chair Araskog provided the highlights of the meeting, which included the discussion about the notice procedures for designating a historic district and landmarking a single property, the comments provided from the residents and landmarks preservation experts, and the proposed changes to the Special Events ordinance.

Town Attorney Randolph cautioned the Town Council that changing or amending the current Landmarks Ordinance may invoke the Bert Harris Act and advised that the Town consider making a change to their internal notification procedures.

Council Member Crampton spoke regarding the need for a voluntary landmarking program and providing more notice to affected residents when there is a potential to designate a property as a landmark. He also acknowledged the importance of completing the historic district educational symposium and zoning code change.

Jay Serzan, 353 Seabreeze Avenue, spoke regarding his impression that the Landmarks Designation Procedure would be discussed today.

It was the consensus of the Town Council to discuss the landmark notice changes and special events ordinance changes at the December 10, 2019, Town Council Meeting.

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

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project

a. Review of Project and Dashboard, Summary of Project Status *Steve Stern, Project Manager*

Project Manager Stern provided an update on the project, upcoming meeting dates, a progress summary report for each phase, updates on the completed pole conversions. He announced the Guaranteed Maximum Price (GMP) process has been completed and will be reviewed later in the presentation. Next month a new and improved opinion of cost and budget update will be provided.

Patricia Strayer, Town Engineer, presented a request for an 8 x 20 ft trailer located at Palmo Park to store tools and supplies for Burkhardt's subcontractors and provided information on how the trailer would be screened including the benefits of the trailer.

In response to questions, Ms. Strayer explained how long the trailer would be needed, the location in the park and how much noise will be generated.

Discussion ensued regarding notifying the residents about the accelerated activities in the area and bringing this item back to the Town Council if there are numerous complaints from the impacted residents.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the placement of an equipment storage trailer in the alleyway at Palmo Park, with the condition that this is brought back before the Town Council if there are numerous complaints received from the affected residents. On roll call, the motion passed unanimously.

Mr. Stern continued with his project update including the financial summary and explained the detailed footnotes within that summary.

He also explained that a presentation will be provided next month on the updated project budget reflecting the comprehensive opinion of construction cost and an overall project budget.

Discussion ensued regarding the grand total of project cost, transparency and an overview of what has driven up the opinion of cost for the project, and an update on the Kosberg-Scharf judgement ruling.

Council Member Lindsay requested that staff include the actual project costs with the grant monies included in the updated budget.

- b. RESOLUTION NO. 140-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Engineering Services for Town-Wide Utility Undergrounding Phase 2 South, and Establishing a Construction Phase Engineering Budget of \$325,418.
Patricia Strayer, P.E., Town Engineer

Town Engineer Strayer provided an overview of the resolution.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 140-2019. On roll call, the motion passed unanimously.

- c. RESOLUTION NO. 141-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of Construction Manager At Risk to Burkhardt Construction Incorporated for Town-Wide Utility Undergrounding Phase 2 South in the Amount of \$6,494,596 and Establishing a Project Budget of \$6,694,596.
Patricia Strayer, P.E., Town Engineer

Town Engineer Strayer provided an overview of the resolution.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 141-2019. On roll call, the motion passed unanimously.

- 2. Further Discussion Regarding Potential Changes to Fees & Regulations for Paid Parking and Other Parking Matters
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided a summary of the discussion that took place at the July 11, 2019 Town Council meeting regarding the proposed changes to parking regulations in various locations throughout the Town. He provided the following list of items that were deferred to this meeting for further discussion:

a. Conversion of the 100 Block of Sunrise Avenue to Paid Parking

Discussion ensued regarding the mixed uses of Sunrise Ave., the reasons for converting the block from a one-hour time-limited parking street to a paid parking street, user issues and privacy concerns with the use of a mobile parking app, unintended consequences that could affect the residents, and whether or not more parking enforcement is needed.

Public Comments:

Warren Belmar, 130 Sunrise Ave., requested the Town Council consider deciding on this item in December. He spoke regarding not placing physical kiosks on the street and the twenty-(20) proposed parking placards not being a sufficient amount for the residents on that street. He inquired about the reasons for converting the parking spaces on the 100 block of Sunrise to paid parking and suggested stricter enforcement of the one-hour time limit instead. He expressed concern with the use of the Park Mobile app as the only parking payment method and restricting the resident's public beach access. He also inquired about the reason for expanding the 24/7 parking enforcement regulations to the 100 block of Sunrise Ave.

Laurel Baker, Palm Beach Chamber of Commerce, spoke regarding the impact the low parking turnover has on the stores and local businesses and the need for a solution. She suggested the Town Council consider safety issues first, address the paid parking solutions for the business community, and let staff manage the community's parking program.

Simon Taylor, 234 Oleander Ave., spoke regarding the letter he submitted detailing privacy concerns with mobile apps and urged the Town Council to read the Park Mobile's reviews online. He shared that he has never seen an issue with parking on Sunrise Ave. and the complaints he has heard from residents regarding allowing outsiders to use the beach.

Motion was made by Council Member Lindsay, and was seconded by Council President Moore, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at \$3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App that is not ParkMobile, and implement up to 15 or 20 parking placards. On call for a vote, the motion passed 4 to 1, with Council Member

Crampton dissenting. (Clerk's Note: This motion was subsequently reconsidered and amended later in the meeting.)

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to reconsider the previous vote made to convert the 100 block of Sunrise Avenue to metered parking. On roll call, the motion passed 4 to 1, with Council President Moore dissenting.

Discussion ensued regarding the hours of parking enforcement on the 100 block of Sunrise Avenue and the transient use of the parking on that street by beachgoers.

Motion was made by Council Member Lindsay, and was seconded by Council Member Moore, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at \$3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App (that is not ParkMobile) during the hours of 7:00 AM to 10:00 PM, seven (7) days a week, and implement up to 15 or 20 parking placards. On call for a vote, the motion failed 2 to 3, with Council Members Moore and Lindsay voting in favor of and Council Members Araskog, Zeidman and Crampton dissenting.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at \$3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App (that is not ParkMobile) during the hours of 6:00 AM to 10:00 PM, seven (7) days a week, and implement up to 15 or 20 parking placards. On call for a vote, the motion passed 4 to 1, with Council Member Crampton dissenting.

- b. 24/7 Enforcement of Metered Parking Areas for: Bradley Place (100 Block), Royal Palm Way/Recreation Center Parking Lot, Lake Drive (adjacent to Marina), and Peruvian Avenue (200 and 300 Blocks) and;
- c. Expansion of "Metered" Parking Locations

Deputy Town Manager Boodheshwar presented a map illustrating the current paid parking locations and current free time limited spaces to include in the paid parking program.

Discussion ensued regarding the cost and demand for parking placards on residential streets, concerns with converting non-commercial areas to metered parking, and looking at the previous parking studies.

- i. Expansion of Metered Parking Locations on the 100, 200 and 300 Blocks of Worth Avenue

Discussion ensued regarding the parking abuses and low parking turnover on Worth Avenue, what the Town's involvement should be with respect to the matter of business owners allowing their employees to take up parking spaces on Worth Avenue, the underutilized parking lots nearby, not adding physical parking meters to the street, the need to look at Worth Avenue's zoning district, adding more valet parking areas, and the Town's enforcement of the two-hour time limit.

In response to questions, Town Attorney Randolph advised against tying the issuance of occupational licenses to the placard-parking program.

Public Comments:

John Maus, storeowner of Maus and Hoffman, provided historical background on the parking issues and proposed solutions for Worth Avenue. He requested the Town Council consider implementing a parking placard program or zoned parking in lieu of physical kiosks.

Ed Kassatly, storeowner of Kassatly's Inc., spoke regarding stricter parking enforcement and the use of cameras and requiring store employees and storeowners register their cars, issuing tickets to the storeowners for parking abuse and not installing physical kiosks.

Warren Belmar, 130 Sunrise Ave., spoke regarding the implementation of parking placards on Worth Avenue and asked if someone with a parking placard would be allowed for an entire year without moving their vehicle.

In response to Mr. Belmar's question, Town Manager Blouin explained that the Town's Code of Ordinances could be amended to prohibit placard owners from parking for a year on Worth Avenue.

Glen Espey, Jeweler on Worth Avenue, spoke regarding his experience as a jeweler in California and the lack of leadership with their parking programs, Amazon's plans to open up warehouses, providing a solution for employee parking in season and out of season in order to accommodate the parking needed for customers. He suggested requiring owners and merchants pay for their employees to park off-island and transportation during season.

Daren Rubinfeld, Law Office of Daren Rubinfeld, 247-A Worth Ave., spoke regarding his efforts to implement a valet parking program on the 300 block of Worth Avenue.

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to defer the following items to the January 14, 2020 Town Council meeting:

- **Expansion of metered parking for the 100 Blocks of Hammon Ave., Peruvian Ave., and Chilean Ave., Australian Ave., Brazilian Ave.**
- **Expansion of metered parking for the 100, 200 and 300 blocks of Worth Avenue**
- **Implementation of 24/7 enforcement of metered parking in the Phipps Ocean Park Lots, 100 Block of Royal Palm Way and the west side of South Ocean Boulevard (adjacent to Mid-Town Beach)**

On roll call, the motion passed unanimously.

It was the consensus of the Town Council to request that staff partner with the Worth Avenue Association and nearby parking lot owners for their input on employee parking solutions and strategies.

It was the consensus of the Town Council to request that staff provide the data from previous parking studies to the Town Council to review before the January 14, 2020 Town Council meeting.

- d. Implementation of “shared parking”, using the Town employee lots

Deputy Town Manager Boodheshwar presented his research on the creation of a “shared parking” program using the Town employee parking lot on Peruvian Avenue and Australian Avenue. He explained that although there are usage limitations placed on the Peruvian lot per the Declaration of Use Agreement from 1999, the implementation of metered public parking is possible but a modification to the agreement would be required. He also explained that a special exception use approval would be required if the Town Council wishes to pursue using the Australian lot during the Town’s off-hours for off-street parking which could include a valet program.

Discussion ensued regarding the enforcement and use of the lot for valet or metered parking.

It was the consensus of the Town Council to direct staff to present a pilot-parking program for public use of the Peruvian lot on Fridays from 5:30 p.m to 11:00 p.m. and from 8:00 a.m. to 11:00 p.m on Saturdays and Sundays with the implementation costs included.

- e. Residential Permit Parking Program

Deputy Town Manager Boodheshwar provided an overview of the Residential Permit Parking program and the demand from residents to increase the total number of residential permit decals and visitor passes a resident can purchase.

It was the consensus of the Town Council to direct staff to bring back an ordinance that will expand the number of residential permit decals and visitor passes for residents at the December 10, 2019 Town Council meeting.

(Clerk's Note: The Town Council recessed after this item for a thirty-five minute lunch break.)

3. Proposed Amendments to FY2020 Recreation Department Tennis Fees
Carolyn Stone, Director of Business Development and Operations

Director Stone introduced the seasonal pass and presented the reduced 12-play pass rates and daily fees for residents and non-residents and other daily fee adjustments for residents, juniors, non-residents adults and non-resident juniors as a way to remedy the issue with the recent tennis fee increase for FY2019-2020.

(Clerk's Note: Due to time constraints, Item No. X.C.4. was heard and voted on at this time.)

Discussion ensued regarding the process and decision for raising the tennis rates, the timing with the budget approval, consulting with the Recreation Advisory Commission on any proposed fee increases in the future, changing the seasonal pass dates to begin on October 1st and end on April 30th to accommodate the tennis teams, changing the non-resident junior program dates to the months of September to May to coincide with the academic year and the services and amenities provided at each cour..

In response to questions, Director Stone spoke regarding the amount of annual passes sold in the last two years for various categories and the importance of getting non-resident participation.

Public Comments:

Bill Fritz, 315 Coconut Row, spoke regarding the tennis fees increasing from 40 to 200%, the Town not being able to sell as many passes and meet their goal with the high increase, and concerns that the Town will lose a lot of customers. He inquired about the budgeting, cost revenue decreases and other projections that went into the cost increase.

Town Manager Blouin addressed Mr. Fritz's comments and questions. He spoke regarding the projected revenue, cost consideration and the fact that the fees have not increased in ten years. He acknowledged that the Town should have increased the fees incrementally and stated that the new rates

are fair based on the business model and current play participation in Palm Beach.

Michael Lederman, 2295 S. Ocean Blvd., spoke regarding the need to look at the big picture and requested the Town freeze or reduce the increase on the residential adult and residential family pass rates.

Jack McDonald, former Town Mayor, spoke regarding the Town's process for increasing the fees, the importance of being competitive with peers, staff and management not knowing what is happening in other clubs and not being a tennis player, and the different amenities and advantages of each of the Town's tennis courts.

Buehler Stem, 150 Bradley Place, spoke regarding the feeling of disenfranchisement developing from residents and non-residents. He proposed implementing a 10% increase for residents and a 15% for non-residents.

Pam McIver, 695 Island Drive, spoke regarding the issue of bad timing with respect to the recent increase in tennis fees occurring right before the opening of the new recreation center. She requested that the Town Council take a second look at the annual pass rates.

Discussion ensued regarding business development and customer relations, the recreation center programs being a service to the community, if lowering the fees would benefit the program, the need for cost recovery for the tennis program, and whether the new proposed fees are a good compromise.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve Resolution No. 126-2019. On roll call, the motion passed unanimously.

B. New Business

1. Consideration of Refunding the 2013 Revenue Bonds
Jane Le Clainche, Director of Finance
TIME CERTAIN: 12:00 PM

(Clerk's Note: Due to its Time Certain, this item was taken out of order and heard after Item No. XII.A.1.)

Jay Glover, Town Financial Advisor from PFM, presented an overview of the available refunding options related to the 2013 Public Improvement Revenue Bonds.

He reported that the 2013 bonds are not callable until January 1, 2024 and therefore, are not eligible for a current refunding. He spoke regarding an opportunity for a taxable refund based on current tax laws and presented refunding statistics based on bond rating and market conditions. He requested the Town Council's feedback and guidance on whether to start the transaction today and provide the parameters for cost savings and interest. He provided the costs incurred by the Town to prepare the documentation.

Discussion ensued regarding Palm Beach County's recent taxable refunding transaction for a similar bond, true interest cost, rating fees, tax laws, the competitive bid process and timeline, the process for amending the savings parameter should the original rate be higher than the market.

It was the consensus of the Town Council to approve an award basis parameter of 8%.

- a. RESOLUTION NO. 142-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Not Exceeding \$52,000,000 Town of Palm Beach, Florida Public Improvement Revenue Refunding Bonds (Capital Improvement and Coastal Management Program) in One or More Series for the Purpose of Refunding All or a Portion of the Town's Public Improvement Revenue Bonds, Series 2013 (Capital Improvement and Coastal Management Program), Subject to Subsequent Proceedings and Approvals by the Town Council; Authorizing and Directing the Town Manager or the Director of Finance to "Deem Final" the Preliminary Official Statement Relating to the Bonds for the Purposes of Rule 15c2-12 of the Securities and Exchange Commission; Authorizing and Directing the Mayor, Town Council Members, the Town Manager, the Director of Finance and Other Proper Officials of the Town to Execute and Deliver any and all Documents and Instruments and to do and Cause to be Done any and all Acts and Things Necessary or Proper for Carrying Out the Transactions Contemplated by This Resolution: and Providing for an Effective Date.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 142-2019. On roll call, the motion passed unanimously.

- b. RESOLUTION NO. 143-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Supplementing Town Resolution No. 142-2019 to Authorize the Public Sale of Town of Palm Beach, Florida Public Improvement Revenue Refunding Bonds, Federally Taxable Series 2019 (Capital

Improvement and Coastal Management Program) (The "SERIES 2019 BONDS"); Approving the Form of and Authorizing the Use of a Preliminary Official Statement, Official Notice of Sale and Summary Notice of Sale in Connection with the Public Sale of the Series 2019 Bonds; Authorizing the Execution and Delivery of an Official Statement in Connection with the Series 2019 Bonds; Authorizing the Execution and Delivery of an Escrow Deposit Agreement; Requiring Compliance within Certain Statutory Requirements; Authorizing and Directing the Town Manager and Director of Finance to Determine Certain other Details of Said Series 2019 Bonds Within the Parameters Set Forth Herein; Authorizing the Proper Officials to do all Other Things Deemed Necessary or Advisable in Connection with the Issuance, Sale and Delivery of Said Series 2019 Bonds; and Providing for an Effective Date.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 143-2019 with an award basis parameter of 8%. On roll call, the motion passed unanimously.

2. The Four Seasons Resort Palm Beach Appeal of Fines Imposed for Non-payment of Solid Waste Collection Fees
H. Paul Brazil, P.E., Director of Public Works

(Clerk's Note: This item was taken out of order and heard after Item No. XII. A. 3.)

Director Brazil provided an overview of the Town's compacted garbage collection services, the billing schedule and the amount of penalties fees accrued by the Four Seasons Resort Palm Beach for non-payment of those services during the calendar year 2019. He also spoke regarding the challenges the Town has had with the Four Seasons Resort over the past ten years with payment delinquencies and the amount of staff time devoted to collecting the quarterly fees.

Zdenka Demus, Finance Director of the Four Seasons' Resort, spoke regarding the way their bills are processed, the resort not being aware of the nonpayment of the quarterly bills, staffing changes, and the fact that their payment center is at a remote location in Texas. She also explained the efforts being made by the resort to ensure the non-payment issues no longer continue and requested a waiver of the penalty fees.

Discussion ensued regarding the numerous attempts by staff to contact the resort and the finance department about the delinquencies and the number of times the Town has waived the Resort's penalty fees in the last ten years.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to deny the Four Seasons Resort's Appeal to waive the penalty fines for the non-payment of solid waste collection fees. On roll call, the motion passed unanimously.

3. Proposed Public/Private Beautification Project with the Palm Beach Country Club
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the project.

Discussion ensued regarding the Town's investment with the seawall, the Town's partnership with the Palm Beach County Club, the currently degraded vista on the Oceanside of the Club, cost, maintenance and ownership.

It was the consensus of the Town Council to direct staff to proceed and present the project scope and costs at a future meeting.

4. Discussion Regarding Modification of Town Code to Prohibit Dogs on Beaches Between Wells Road and Sunset Avenue
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar presented the proposed changes to the Town's Code of Ordinances that would expand the "no dogs" rule on the beach area between Wells Road and Sunset Avenue.

Discussion ensued regarding concerns with overuse and shifting the problem elsewhere, challenges with enforcement, jurisdiction over private versus public beach areas, and trying this new rule out for a one year time-period.

In response to questions, Town Attorney Randolph opined that the Town can regulate the beach area up to the water line.

It was the consensus of the Town Council to direct staff to present an ordinance for first reading at the December 10, 2019 Town Council meeting amending the pertinent sections of the Code to expand the "no dogs" rule to Wells Road and Sunset Ave with a sunset provision of November 2020.

C. Matters Pulled From Consent Agenda:

1. 726 Hi-Mount Road – Authorize Town Manager to Enter into a Hold Harmless Agreement and Waive Driveway Site Visibility Requirements

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

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the Hold Harmless Agreement and Waive Driveway Site Visibility Requirements for 726 Hi-Mount Road. On roll call, the motion passed unanimously.

2. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon for Palm Beach County's Jupiter-Carlin Federal Shore Protection Project

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

Director Brazil provided an overview of the project scope, areas impacted and the level of noise.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to grant the waiver for the United States Army Corps of Engineers to perform the construction related activities in support of the project. On roll call, the motion passed unanimously.

XIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 39-2019 An Ordinance of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94, Retirement Age and Service Conditions for Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 39-2019. On roll call, the motion passed unanimously.

XIV. ANY OTHER MATTERS

1. Celebration of the 19th Amendment Centennial of Women's Right to Vote
Bobbie Lindsay, Council Member

Council Member Lindsay presented an opportunity to partner with two private organizations to celebrate the upcoming 100th anniversary of the ratification of women's right to vote in the Town of Palm Beach.

It was the consensus of the Town Council to approve a Townwide event at the end of the 2020 charity season to celebrate the 100th Anniversary of the Ratification of Women's Right to Vote in America.

2. Penalties for Removal of Historic and Specimen Trees
Julie Araskog, Council Member

Director Brazil explained the section of the Town Code at Section 126-58 that addresses the penalty for intentionally removing a historic and specimen tree without permission.

Council Member Araskog spoke regarding a recent Code Enforcement Board hearing where an owner, who was in violation of Chapter 66 of the Town Code, was given the option to pay a \$5,000 fine in lieu of the penalty described in Section 126-58.

Town Attorney Randolph opined that it is within the Code Enforcement Board's jurisdiction to impose fines for code violations.

It was the consensus of the Town Council to direct the Town Attorney to review the two sections of the code that address the protection of historic and specimen trees and bring it to the Code Enforcement Board for further review and clarification.

3. Assigning a Time Certain to Contentious Agenda Items
Julie Araskog, Council Member

Council Member Araskog asked the Town Council if they would consider assigning a time certain for contentious agenda items.

Council President Moore replied that she would consider it.

4. Palm Beach Hotel Request to Delay Decision of the Director of Public Works
Neil Schiller, Attorney

Council Member Araskog spoke regarding the reasons the request should be considered before the appeal is heard next month and a decision is made.

Town Attorney Randolph informed the council that normally when an action is appealed that the action is not taken until after the appeal is heard.

MINUTES OF THE TOWN COUNCIL MEETING HELD ON NOVEMBER 12, 2019

Attorney Neil Schiller provided the dates for filing the appeal and the section of the code he is appealing.

Mayor Coniglio spoke regarding the authority given to the Public Works Director to determine the areas for garbage pick-up locations based on the health, safety and welfare of the public.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to authorize the Palm Beach Hotel to place residential solid waste at the current location on Park Avenue until the appeal is heard at the December 10, 2019, Town Council Meeting. On roll call, the motion passed unanimously.

5. Potential Dog Park Location
Lew Crampton, Council Member

Council Member Crampton asked the Town Council if there was an appetite for identifying a dog park in Palm Beach.

Discussion ensued regarding potential locations to consider and whether Palm Beach is an appropriate place for a dog park.

It was the consensus of the Town Council to direct staff to work with Council Member Crampton on researching and presenting potential dog park locations.

XV. ADJOURNMENT

There being no further business, the Regular Town Council meeting of November 12, 2019, adjourned at 6:44 p.m.

Attest:

Approved:

Pat Gayle-Gordon
Acting Town Clerk

Danielle H. Moore, Town Council President

Date: _____



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on November 13, 2019

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

The Development Review Town Council Meeting was called to order November 13, 2019 at 9:33 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**

Administrative Specialist Churney gave the invocation. Council President Moore led the Pledge of Allegiance.

III. **PRESENTATIONS**

A. **Presentation on Approach, Scope and Schedule for Code Reform Project**

Planning, Zoning & Building Director Josh Martin presented the approach, scope and schedule for the proposed Code Reform. Mr. Martin reviewed the proposed project schedule. He felt historic Palm Beach should be legalized. He stated this proposal had never been done in the United States. Mr. Martin reviewed the proposal which included education, research, and transparency for the residents with proposed symposiums, feedback sessions, documentation, and use of a world class think tank familiar with international best practices.

Lynn Richards, Executive Director of the Congress for New Urbanism, introduced herself and spoke about her ideas for Palm Beach Code Reform.

Planning, Zoning & Building Director Martin recommended taking the proposal to the Planning and Zoning Commission and getting feedback. He was also working on the budget to be sure the current budget could sustain this project without asking for additional funds, and would bring this information back in December.

Mayor Coniglio commented on the importance of responsive listening to the community. She recommended giving Mr. Martin a yellow light for this project to allow everyone to move forward.

Council Member Araskog indicated she would like to see the plan move to the Planning and Zoning Commission first and then come back to the Town Council for a vote. She asked Mr. Martin to bring the cost forward at the next month's meeting. She was happy to hear that Code Reform would preserve the Town.

Council Member Lindsay expressed support for the project going to the Planning and Zoning Commission, and thought the Town needed Code Reform. She liked everyone going through education together and making a decision together, and was 100% in support of Mr. Martin's efforts.

Council Member President Pro Tem Zeidman was ready to move forward, learning about the possibilities. She commented Mr. Martin was very knowledgeable about the Town and understood the concerns of residents. She looked forward to Code Reform.

Council Member Crampton was in total support of this effort. He appreciated the view that process was as important as the product. He felt this was a very important process that was needed to guarantee our future and to be in control of change.

Council President Moore expressed respect for the Code but it was written 40 years ago. She stated a new code was needed, and she fully supported this effort.

Council Member Araskog asked Town Attorney Randolph about moving forward with Code Reform. Town Attorney Randolph responded it was fine to move forward and Bert Harris would be addressed down the road. Council Member Araskog felt process was so important and appreciated taking this to the advisory board.

Mallory Baches, Congress for New Urbanism, stated she was looking forward to working with the Town in the historic symposium and appreciated the thoughtfulness of the Council in moving forward.

Mr. Martin announced the launching of a project website, *preservepalmbeach.com* in coordination with Code Reform.

Council President Moore stated Director Martin had a consensus of the Council to move forward in taking Zoning Code Reform Proposal to the Planning and Zoning Commission.

Public Comment:

Andrew Roddy, 223 S. County Road, thanked Mr. Martin and looked forward to being part of the Code Reform process. He loved the vias on the west end of Worth Avenue, but advocated for separation between buildings. He wanted to preserve the character of the buildings but be able to maintain them.

Simon Taylor, 234 Oleander Avenue, expressed his objections to the proposal.

Anita Seltzer, 44 Cocoanut Row, expressed her concerns with the proposal.

Rob Frisbie echoed gratitude for staff in their effort to preserve the Town. He thought Palm Beach should lead by example.

Anne Pepper, 333 Seaspray Avenue, believed Code Reform was necessary.

Amanda Skier, Preservation Foundation of Palm Beach, reported she enjoyed working with Mr. Martin and felt there was so much opportunity for education.

Jaime Torres, Fairfax and Sammons Architects, stated he does not reside here but had been working in the Town for over 20 years. He could see that the fabric of the Town was being undermined by current projects.

Alex Hufty Griswold, 274 Orange Grove Road, commented Planning and Zoning had streamlined the process. He spoke about his history with the Town, and about his challenges with the Code.

Gordon McCoun, 434 Chilean Avenue, thought Code Enforcement should be involved with the process. He was in favor of Code Reform.

Bill Metzger, 277 Esplanade Way, reported he had recorded an original presentation by Mr. Martin to the Planning and Zoning Commission regarding Code Reform process and improvement. He stated he would record the Historic District at the Flagler and LPC Symposium as well as the feedback session, and hopefully more in the future, and he had the ability to go live with recordings. He presented an audio request which would allow him to go live.

Town Manager Blouin asked the Town Council if they would be okay with recording meetings.

Council Member Araskog inquired who would be taped. Mr. Martin

explained all of the symposium public sessions would be recorded.

Town Manager Blouin described some of the other events that would be taped, which included the Town Council Meetings.

Council President Pro Tem Zeidman thanked Mr. Metzger for his efforts. She would be in favor of taping the meetings unless there were any legal issues. She felt it would be good for residents.

Council Member Lindsay indicated she was in favor of this, which was good for transparency, and as technology improved, it was important to change. This would be very low cost, and would make the records more accessible.

Mayor Coniglio thought it was great idea. She commented they were behind the times and asked what the cost would be. Mr. Metzger stated there would be no cost.

Council Member Araskog agreed with transparency, and commented minutes did not often capture statements, and it would be easier to watch the meeting. She felt this was a great idea, and thanked Mr. Metzger for offering the service at no cost.

Council Member Crampton commented this was a good thing for transparency and efficiency.

Council President Moore thanked Mr. Metzger for his offer. Town Manager Blouin indicated staff would look at all the issues and would report back to the Council. Council President Moore asked to please bring it back so they could have another discussion.

Mr. Metzger commented a public meeting was open for recording, but to broadcast live on the internet was somewhat different. He was aware of issues. He would still like to record the symposium, but did not have to stream it, and it would be available for streaming if there were no issues.

Council President Moore thanked Mr. Metzger for all his work and stated this would be left up to staff.

Please note: A short break was taken at 11:07 a.m. The meeting resumed at 11:17 a.m.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio had no comments.

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

There were no comments heard at this time.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Mary Webster, 145 Peruvian Avenue, expressed her concerns for the future of the lot behind Neiman Marcus. She asked the Town Council to carefully consider whether to allow the new owners to place the lot for sale.

Leslie Shaw, 318 Seaspray Avenue, requested that someone present a counterpoint in the Symposium. Mr. Martin stated that was in the works.

Simon Taylor, 234 Oleander Avenue, expressed concern about CNU and stated his objections to the Code Reform.

Bill Metzger, 277 Esplanade Way, expressed concern for the chicane on 218 Debra Lane. He asked that the Town encourage the new owners to relocate the equipment on their property rather than in the road.

VII. APPROVAL OF AGENDA

The following modifications were made to the agenda:

Withdrawal of Item VIII.C.1 (b) from the agenda.

Deferral of Item VIII.C.2 (a) to the January 15, 2020 meeting.

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

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of September 14, 2019 ARCOM Staff Approval for Tow Away Signs

Council Member Lindsay expressed a conflict of interest and left the room.

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

Ex-parte communication was requested. Each member of the Council stated none.

Attorney Randolph passed out an overview and timeline of all of the events taken place to date. He recommended a deferral of the appeal and explained the reasons.

Amanda Quirke Hand, attorney representing 100 Emerald Beach Way, concurred with Town Attorney Randolph. She asked that the Town Council order the parties to mediate this issue.

M. Timothy Hanlon, attorney representing 1236 S. Ocean Blvd., objected to Town Attorney Randolph's recommendation and explained his reasoning.

Town Attorney Randolph noted that this must be concluded within 45 days so if Attorney Hand did not agree to a deferral the Town Council must go forward today.

Council Member Araskog agreed with Town Attorney Randolph. She felt that the Town Council should rely on the court's decision on a path to move forward. She stated she would rather get the court's ruling first before moving forward with mediation.

Town Attorney Randolph stated options for moving forward, and his belief that it would be prejudicial to the Town to discuss matters today that were before the court.

Council President Pro Tem Zeidman stated she would listen to the advice from Town Attorney Randolph.

Council President Moore agreed with Town Attorney Randolph.

Council Member Crampton agreed with Town Attorney Randolph.

Attorney Hanlon stated it would not be prejudicial if only the new issues were heard, Town Attorney Randolph agreed.

Motion was made by Council Member Araskog, and seconded by Council President Moore, to defer the appeal of the September 14, 2019 ARCOM Staff Approval for Tow Away Signs to a meeting 31 days after the Court had ruled on the writ. On roll call, the motion carried 4-0, with Council Member Lindsay recused.

B. Time Extensions and Waivers

1. **Time Extension Request, 247 Worth Avenue, Le Bilboquet Restaurant**

Planning Zoning & Building Assistant Director Wayne Bergman presented the time extension request for 247 Worth Avenue, Le Bilboquet Restaurant, to work through the entire restricted winter season; however, nothing would be visible or accessible from Worth Avenue and all parking and deliveries would take place from the Apollo parking lot.

Maura Ziska, Attorney, explained all of the work would stop over the holidays, and the request was for regular hours 9 a.m. to 5 p.m., with no

weekends.

No ex parte was declared by the Council.

Council Member Araskog questioned if Club Collette would be affected. Attorney Ziska stated it would not be affected. Council Member Araskog requested no work during Passover and Thursday through Sunday during Easter, and if there were complaints that this could come back.

Council Member Lindsay questioned if this would affect any parking.

Jane Holzer, 147 Dunbar Rd., stated she did not believe there would be a parking problem.

Mayor Coniglio indicated she thought this was a good request, and added there were no letters of objection.

Motion was made by Council Member Crampton, and seconded by Council President Moore, to approve the waiver for time extension request for 247 Worth Avenue, Le Bilboquet Restaurant, with any complaints to come back before the Town Council. On roll call, the motion carried unanimously 5-0.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below.

On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving

requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be presented to the Town Council during the public hearing on this application.

Ex-parte communication was declared by Council Member Araskog and Council Member Lindsay. No other ex-parte communication was disclosed.

Jamie Crowley, attorney for the applicant, explained the request and the testing that had been completed for noise, which showed no problems with noise levels when the music was loudest.

Council Member Crampton expressed his concerns and the reasons he could not support the request, that the establishment had had problems with underage drinking and people around the establishment had reported problems with noise. Also, he did not agree with changing the declaration of use so quickly after additions had been made.

Council Member Araskog expressed her concerns, and stated she would rather have it begin one night a week and then return for additional nights if there were no complaints.

Attorney Crowley explained the situation regarding the underage drinking had been addressed by now having a third party professional identification company who checks all identification. He discussed the request. Council President Pro Tem Zeidman inquired about the noise testing methods. Mr. Crowley discussed the testing.

Council Member Araskog inquired if the noise was tested near the door that would be opened and closed. Mr. Crowley responded it was tested from the south where the towers would be impacted.

Council Member Lindsay clarified with Mr. Crowley which doors would be opened and the room that would hold the music. He stated nothing could be heard in the parking lot.

Zoning Manager Paul Castro stated that there had been no reported noise complaints from Code Enforcement going back to May and he understood the request was deferred to see if there were any complaints.

Council President Pro Tem Zeidman questioned if the DJ would be at the special events. Council Member Lindsay inquired how many special events with a DJ had occurred this year. Mr. Crowley stated that they had not had any with a DJ and offered to withdraw that from his request until a later date. He clarified they had support of the

management.

Council Member Araskog supported trying one night, Friday or Saturday, and to come back in 3 months to see how it was working, and if complaints to come back sooner. She expressed concern with the decibel reading in the courtyard due to other eating establishments. Council Member Crampton asked when the restaurant opened. Mr. Crowley responded it had been operating about two years. He asked about the professional ID reader, which Mr. Crowley explained they scanned IDs and determined if they were real. Mr. Crowley explained how they had tested the noise.

Public Comment

Simon Taylor, 234 Oleander Avenue, expressed concern about resident safety with the proposed application and asked the Council to reject the application.

Anne Pepper, 333 Seaspray Avenue, expressed concern about the proposed application.

Council President Pro Tem Zeidman commented she understood the concerns of the residents.

Council Member Araskog stated she had changed her mind and wasn't prepared to allow a DJ, but might agree to one night.

Council Member Lindsay felt they could be given a trial of one night a week to give the applicant a chance to show whether this would work.

Discussion ensued. A majority of the Council discussed the many restaurants in the Town that are now permitted to have DJs, such as Buccan, Cucina, and the Colony. The Council discussed allowing one night on a trial basis but not yet for special events.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, that Special Exception Z-19-00211 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, until a time certain of April 15, 2020 when this shall be revisited, for one consistent night each week of the applicant's choice either Friday or Saturday, hours 8 p.m. to 12:00 midnight, and no DJ's for special events; and if there were complaints earlier than April 15, 2020 even if the noise decibel appeared correct, to return to Town Council. Zoning Manager Castro clarified no changes would be made to any agreement until after April 15, 2020. On roll call, the motion carried 3-2 with Council Member Crampton and Council President Moore opposed.

b. Z-19-00213 VARIANCE(S)

This item was withdrawn under Approval of the Agenda, Item V.

2. **New Business**

a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)**

This item was deferred under Approval of the Agenda, Item V.

b. **Z-19-00224 SITE PLAN REVIEW AND VARIANCE(S)**

Zoning District: R-B Low Density Residential. The application of Andrew and Milla Russo, Applicant, relative to property located at **218 Debra Lane** legal description on file, is described below. 1. Section 134-893(b)(2) - A request for Site Plan Review to build a 3,539 square foot, 2 story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances are being requested for the proposed swimming pool. a. Section 134-1757 - Request for a front yard setback of twenty feet, four inches (20.33') in lieu of the twenty- five foot (25.0') minimum front yard setback required by code. b. Section 134-1757 - Request to allow the proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required. [Architectural Review Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3]

Ex-parte Communication was disclosed by Council Member Araskog and Council Member Lindsay. No other ex parte communication was disclosed.

Frank Lynch, attorney on behalf of the owners at 218 Debra Lane, explained the zoning requests.

Paul Castro provided staff comments.

Public Comments

Molly Noonan, 1469 North Lake Way, expressed concern for the proposed home, which was much larger than her home and the effect it would have in blocking light to her home.

Council Member Araskog inquired if there was a way to change the house so that the variance request for the pool would not be needed. Mr. Lynch responded. Discussion ensued. Mr. Castro provided further staff comments regarding the swimming pool.

Council President Pro Tem Zeidman commented the applicant was trying to make this come into as much compliance as they could for other people in the neighborhood. Mr. Martin spoke about the issues with the lot.

Discussion ensued.

Attorney Lynch offered to remove the variance related to the pool, which made the hedge the only variance request.

Council Member Lindsay thought the issue of raising the lot should be one of the first items to be addressed in code reform. Mayor Coniglio asked if the applicant was willing to have a transformer on the corner to eliminate the chicane. Attorney Lynch responded they would make every effort to work with the Town and hoped the easement could be diminished but would need to consult others.

Discussion ensued regarding moving the chicane to their property.

Attorney Lynch indicated he could voluntarily agree to working with the Town to shrink the size of the easement and accept the chicane onto the applicant's property as a condition of the variance. Council Member Araskog asked if they should still volunteer an easement. Town Attorney Randolph responded they were volunteering the transformer easement as a condition of the variance.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, that Variance Z-19-00224 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried 4-1, with Council Member Araskog opposed.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, that Site Plan Z-19-00224 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11 have been met. On roll call, the motion carried unanimously, 5-0.

Please note: A short break was taken at 1:20 p.m. The meeting resumed at 1:22 p.m.

Mayor Coniglio asked Josh Martin to put the FEMA issues first in the Code Reform.

- c. **Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Ave The application of FRO II WORTH OWNER LLC (Andrew Osborne), Applicant, relative to property located at **259 WORTH AVE**, legal description on file, is described below. Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth In Exhibit D(Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 25% maximum allowed for a third story using the Worth Avenue Design Guidelines. [Architectural Review Commission Recommendation: The project meets the Worth Avenue Design Guidelines as presented. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 6-1]

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

Maura Ziska, attorney for the owner of the Tiffany building, explained the zoning requests, and commented the new owners wanted to turn the second and third floors into a single family residence. She added that the second floor did not require a variance, and the third floor did not require a variance if the Worth Avenue Design Guidelines for a special allowance were met.

Keith Spina, GliddenSpina, presented the architectural plans for the proposed two-story residence. He placed alternate renderings on the overhead projector. Changes had been made to meet ARCOM requests.

Zoning Manager Castro provided staff comments, stating staff believed the applicant qualified to ask for special allowances, but it was up to ARCOM and the Town Council to approve a project for a third story if they met the special criteria to allow

for the third story. Staff thought this was a quality project and that the applicant had the ability to request from Town Council the special allowance, but it was the Council's decision whether or not they met that and if they should be granted the variance.

Council Member Lindsay asked whether the architects tried to stay within the 25% with the structure of the third story, which Mr. Spina indicated they had. Discussion ensued about the third floor coverage.

Council Member Lindsay thought it was a good adaptation and an elegant solution, and expressed favor for the project.

Council Member Araskog inquired about quasi-judicial procedure.

Council Member Crampton was in favor of the project.

Mayor Coniglio commented she would have liked to have seen Worth Avenue Guidelines, and would like to see the third floor within the guidelines of the code.

Council President Moore asked to see the north elevation of the building from the adjacent parking lot. Mr. Spina reviewed the layout of the rooftop.

Council Member Araskog expressed concern that Town Council had not seen the Worth Avenue Design Guidelines. She asked Mr. Spina questions pertaining to the guidelines. Mr. Spina indicated they had reached out to Town staff for help with meeting the guidelines. Zoning Manager Castro explained they sat down with the architect and went through the intent of the guidelines. Council Member Araskog expressed concern for buildings getting higher and the character of the street would be lost. She was also concerned about 35%.

Council President Pro Tem Zeidman asked Mr. Spina if he considered using more of the coquina stone. He explained how they arrived at the decision to use the small amount of coquina stone. Council President Pro Tem Zeidman saw this residence as a good turning point for Worth Avenue.

Public Comments

Carol LeCates, 212 Seabreeze Avenue, expressed concern regarding whether the project was eligible for the special allowance under the Worth Avenue Guidelines.

Anne Pepper, 333 Seaspray Avenue, thought it was important to stick to the Worth Avenue Guidelines.

Council Member Lindsay thought our Code was counting some items that were not counted in other municipalities, and felt this was a nice solution.

Council Member Araskog did not believe the changes were eligible to be approved in the Worth Avenue Guidelines. She stated she could not vote for this. She believed the item should be deferred.

Council Member Zeidman recommended removing the terraces.

Mr. Martin made some recommendations for the project.

Maura Ziska stated that a deferral would not work for her client.

Town Attorney Randolph stated that he had reviewed the documents and believed that there was enough language in the guidelines to support Zoning Manager Castro's recommendation.

Council Member Crampton stated support for the project. He felt it appropriate to proceed with caution but the architect was not pushing the envelope. He believed this was a positive improvement.

Mayor Coniglio provided her comments, stated she was in favor of the project, and would like to see other mixed use buildings on Worth Avenue.

Mr. Castro stated that the guidelines were handed to the ARCOM members when they made their decision.

Council Member Lindsay stated that she had talked to staff and they were confident the guidelines had been met.

Council Member Araskog noted ARCOM had asked that this come back on certain issues.

Motion was made by Council Member Crampton, and seconded by Council President Pro Tem Zeidman, that Site Plan Z-19-00225 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11 have been met pending a decision on pergola and pool made by ARCOM. On roll call, the motion carried 4-1, with Council Member Araskog opposed.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance Z-19-00225 shall be deferred to a time certain of December 11, 2019. On roll call, the motion carried unanimously, 5-0.

Motion was made by Council Member Crampton, and seconded by Council President Pro Tem Zeidman, that Special Exception Z-19-00225 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 4-1, with Council Member Araskog opposed.

- d. **Z-19-00226 SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Karen Lehrman Pravias, Applicant, relative to property located at **225 EVERGLADE AVE SUITE: 1**, legal description on file, is described below. The applicant is requesting Site Plan Review pursuant to Section 134-942 to propose the removal of an existing 120 square foot awning and to replace it with a 192 square foot awning along the south side of the condominium unit, which will require the following variances: 1. Section 134-948 (5)- front yard setback of 17.33 feet in lieu of the 25 foot minimum required for multifamily use in the R-C Zoning District. 2. Section 134-948 (6) -West side yard setback of 14.84 feet in lieu of the 20-foot minimum setback required for multifamily use in the R-C Zoning District. 3. Section 134-948 (9) -Lot coverage of 41.34% in lieu of the 41.17% existing and the 30% maximum allowed for multifamily use in the R-C Zoning District.

No ex parte was declared.

Maura Ziska, attorney for the owner of the building, explained the zoning requests.

Paul Castro provided staff comments.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-19-00226 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously, 5-0.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog, that Site Plan Z-19-00226 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11 have been met. On roll call, the motion carried unanimously 5-0.

- e. **Z-19-00227 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Brett and Meaghan Barakett, Applicant, relative to property located at **130 BARTON AVE**, legal description on file, is described below. The Applicant is proposing to construct a two story, 1,597 square foot addition (not including mechanical basement) and a 1,715 square foot basement. The addition is to be the same height and overall height of existing home, but the addition requires the following variance requests: 1. a height of 24.4 feet in lieu of 22 feet maximum permitted (Section 134-893(10)); 2. An overall height of 29.2 feet in lieu of 25 feet maximum for a flat roof residence (Section 134-893(10); and 3. A rear building height plane height of 24.4 feet in lieu of 22 foot maximum (Section 134-893(8). [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions relating to the architecture. Carried 7-0]

No ex-parte was disclosed.

M. Timothy Hanlon, attorney for the owner of the building, explained the zoning requests.

Paul Castro provided staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance Z-19-00227 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area, and added there were three variances. On roll call, the motion carried unanimously, 5-0.

IX. ANY OTHER MATTERS

A. Discussion to Consider Section 66-236 to Require Town Approval of Removing Landscape Buffers

Planning Zoning & Building Assistant Director Wayne Bergman presented the item to see if the Town Council members would like this item to be taken to ORS.

Mayor Coniglio stated she was in favor of looking at this item.

Council Member Araskog agreed with Mayor Coniglio. She reported she had discussed this with Mr. Bergman.

Council Member Lindsay stated she was comfortable sending it to ORS, but not to make this a big process.

Council President Moore raised concern but was fine with sending it to ORS.

Mr. Martin discussed the situation that occurred, which prompted this discussion.

Council Member Araskog asked that a requirement to keep a hedge for a certain length of time be considered.

B. Discussion of Previous Vote and Reconsideration of Request from O'Conner Property Management on Behalf of Wilson 151 Worth, LLC, to Release the 1998 Use Agreement Requirements for 152 Peruvian Avenue

Town Attorney Randolph stated that Harvey Oyer sent a letter objecting to this item and requested it be a part of the record. Attorney Randolph read the letter into the record.

Motion was made by Council Member Araskog, and seconded by Council President Moore, to reconsider last month's vote regarding 152 Peruvian Avenue and the declaration of use agreement.

Peter Bergner, O'Conner Capital Partners, stated he was present to see who they needed to speak to adjacent to the property. Mr. Martin stated this needed to go through proper channels.

On roll call, the motion carried unanimously, 5-0.

Mr. Martin stated he would work with the neighbors to facilitate a negotiation.

Mr. Castro recalled what he remembered from the original approval.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to rescind the previous vote on the action

taken on 152 Peruvian Avenue. On roll call, the motion carried unanimously 5-0.

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of November 13, 2019 was adjourned at 3:15 p.m. without the benefit of a roll call.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 10, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, December 10, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Town Manager Kirk Blouin advised the meeting was being filmed to provide more access to members of the community.

III. MODIFICATIONS TO THE AGENDA

There were no modifications made to the agenda.

IV. APPROVAL OF AGENDA

A. Lunch Recess from 12:30 to 1:30 P.M.

B. Time certain events for today were announced: for 11 a.m. for Woods Hole Group, breaking for lunch at 12:30; and 2 p.m. for discussion of the Undergrounding Report.

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

V. DECLARATION OF TOWN CAUCUS RESULTS

- A. RESOLUTION NO. 146-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein The Candidates Nominated; Declaring Said Nominees To Be Qualified Candidates And Elected Without Opposition; Establishing The Terms Of Office For Said Candidates; And Declaring That No Municipal Candidate Questions Will Appear On The March 17, 2020, Town Of Palm Beach General Election Ballot.

Kathleen Dominguez, CMC, Town Clerk, read aloud Resolution No. 146-2019 declaring the qualified and nominated candidates elected without opposition.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to approve Resolution No. 146-2019. On roll call, the motion passed unanimously.

VI. RECOGNITIONS

- A. Recognition of Kenneth Walker for his service on the Planning and Zoning Commission from October 2016 to September 2019.

Mayor Coniglio presented Kenneth Walker with a plaque. Mr. Walker expressed his appreciation.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by Shore Protection Board Applicants

Kathleen Dominguez, Town Clerk, announced the following applicants had presented their interest and qualifications to the Town Council:

Warren Belmar
Erick Reickert
Vladmir Rapoport

Mr. Warren Belmar expressed his desire to become a voting member of the Shore Protection Board, having served as an alternate for two years. He felt qualified since he was an attorney experienced in the types of items considered by this Board.

Mr. Vladmir Rapoport commented he had professional experience in site assessment for near shore infrastructure, primarily foundations and pipeline. He listed his engineering and business experience and qualifications.

Mr. Erick Reickert provided his engineering and business education and work experience, and service on groups within Palm Beach. He had gone around the world in his own sailboat, was a scuba diver, and was familiar with the ocean.

Council Member Crampton commented all the applicants were very highly qualified and thanked each for their interest.

Mayor Coniglio concurred with Council Member Crampton, and pointed out representation was needed for both the north and south end.

B. Appointments to the Shore Protection Board

Town Clerk Dominguez announced the appointees selected to the Shore Protection Board.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the appointments of Melissa Ceriale and Warren Belmar as Regular Members of the Shore Protection Board. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the appointments of Vladmir Rapoport and Erick Reickert as Alternate Members of the Shore Protection Board. On roll call, the motion passed unanimously.

VIII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio offered blessings to all for the holidays and 2020. She recognized Rob Weber, Employee of the Year, and two employees who recently retired--John Lindgren who had been with the Town 11 years as Landmarks Preservation advocate, and Major Melnichok who served 22 years with the Police force. She announced very good news, that the Town would save \$4.42 million as a result of the bond sale. She announced the grand opening of the Mandel Recreation Center at Seaview Park, and the re-energizing of Earl E. T. Smith Park. She congratulated the Council Members who had been re-elected. She also commented that she would make an effort to stay within the three-minute time limit.

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore reported attending Representative Mike Caruso's Palm Beach County Round Table meeting on behalf of the Town of Palm Beach. Highlights from the meeting were requesting the Representative to support the home rule on the plastics initiative, discussion of ramifications from sewage from septic tanks, and Palm Beach residents' concerns regarding the gun safety issue.

Council Member Crampton thanked the Police Foundation for adding fire rescue to their work and becoming the Police and Fire Foundation, and for all they did for the residents.

Council President Pro Tem Zeidman wished everyone happy holidays, spoke about the Mandel Recreation Center, and recognized over 100 gifts from residents and the Mandel family. She described the recent car show on Worth Avenue meant to help the

businesses, which had been planned for 500 people but 2,000 showed up because of social media, which caused gridlock. She cautioned the Council in the future to consider social media when approving events.

Council Member Lindsay wished everyone happy holidays. She commented on the Mandel Recreation Center that the road to get there had been bumpy but felt it would be unifying for the Town, and had heard comments from residents who had not been in favor that they had been wrong. She asked everyone to visit the center which had something for everyone. She thanked the residents for re-electing her and her two colleagues.

Council Member Araskog commented that the Recreation Center was beautiful. She thanked the Mandel family for their generosity. She also commented that several dogs had died from contact with buffo toads and asked that the Town send out an alert. She asked for a discussion of the Worth Avenue design guidelines under Any Other Matters and wished everyone happy holidays.

The Town Council agreed by consensus to Council Member Araskog's request to add a discussion about the Worth Avenue Design Guidelines under Item No. XVI. Any Other Matters.

Town Manager Kirk Blouin commented he had heard from residents about the car show, and Chief Caristo would provide an after action report regarding any violations to the permit. Council Member Araskog asked that they also look into the safety issue for future events.

X. COMMUNICATIONS FROM CITIZENS

Diane Buehler, Friends of Palm Beach, urged everyone to visit the Surfing Florida Museum to see the film *Troubled Waters*. She commented on water pouches washing up on the beach from Haiti. She was in contact with a group in Haiti that had put 30 people to work recycling these water pouches into reusable shopping bags. The bags can be purchased on PeaceCycle.com. The Mayor thanked Ms. Buehler for her work in the community to help the environment.

Mr. Andrew Roddy wished everyone happy holidays and congratulated the Council members who had been re-elected. He commented that the car show went well. He discussed beach trash, and looking at prohibiting water which toads needed to reproduce. He commented there was other technology that could be used instead of septic tanks such as a toilet that used microwaves to get rid of waste. He also commented on guns.

Donald Singer, 2295 South Ocean Boulevard, congratulated the three newly elected Council members and said the Citizens Association was proud of their relationship with each of the Council members. He also wished everyone a happy and healthy new year.

Llwyd Ecclestone, 190 South Ocean Boulevard, commented he had put in all the sewers in Lost Tree Village and about 80% of the village was on sewers, and they were trying to get the rest of the town on sewers. Mayor Coniglio commented there were many other

towns that had septic tanks and were on the water. It was announced that Representative Caruso had a bill to require inspections on septic systems.

Simon Taylor, 234 Oleander Avenue, addressed an item on the Consent Agenda. He proposed three solutions to Code reform, solving the problem of tearing down and rebuilding homes, eliminating CNU from any contracts, and pulling the code reform item from the Consent Agenda for discussion.

Greg Beletsky, past President of Worth Avenue Association, founder of Turtle Tuesdays, and operator of Akris Boutique on Worth Avenue, thanked the Town for supporting the beach cleanups which had removed 612 pounds of debris, equating to 34,576 pieces of debris, of which 95% was plastic. Mayor Coniglio noted this was an example of where businesses and the Chamber of Commerce could help end plastic bags. Council Member Araskog asked for a copy of the list of debris items. She also asked that discussion of not engaging with residents during their public comment be added to next month's agenda.

XI. APPROVAL OF CONSENT AGENDA

Mayor Coniglio requested to pull the code reform item from the Consent Agenda and noted on the next day's agenda there would be a discussion on historic buildings which she asked be placed at the end of the agenda.

The following items were pulled from the Consent Agenda and placed under Item No. XIV.C.:

- XI.B.8. RESOLUTION NO. 151-2019
- XI.B.9. RESOLUTION NO. 152-2019

Council Member Araskog requested to defer Item XI. A. 1. "Approval of the November Town Council Meeting Minutes" and "Approval of the November Town Council Development Review Meeting Minutes" to the January 14, 2020 Town Council Meeting.

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

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, CMC, Town Clerk

- a. November 12, 2019, Town Council Meeting Minutes -
Deferred to the January 14, 2020 Town Council Meeting

b. November 13, 2019, Town Council Development Review Meeting Minutes – ***Deferred to the January 14, 2020 Town Council Meeting***

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 22, 2019.
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 126-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach, Ex Post Facto, to Submit an Application for the FY 2019 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime Expenses incurred during the Grant Period; and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town of Palm Beach.
Nicholas Caristo, Chief of Police
2. RESOLUTION NO. 144-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed \$800,000 to Provide Stop Loss Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract.
Danielle Olson, Director of Human Resources
3. RESOLUTION NO. 145-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Approving and Adopting the 2020 revised Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and For Other Purposes.
Jay Boodheshwar, Deputy Town Manager
4. RESOLUTION NO. 147-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., in the Amount of \$188,051.94 for Construction Phase Coastal Engineering Support Services for Phipps Ocean Park Beach Nourishment and Dune Restoration and Establishing a Task Budget of \$228,000, Contingent Upon Award of the U.S. Army Corps Of Engineers Award of the Palm Beach County Federal Shore Protection Project Mid-Town Segment.
H. Paul Brazil, P.E., Director of Public Works

5. RESOLUTION NO. 148-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving Final Payment for the City Of West Palm Beach Joint Transmission Pipeline Improvements in the Amount of \$472,045.86.
H. Paul Brazil, P.E., Director of Public Works
6. RESOLUTION NO. 149-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to M & M Asphalt Maintenance dba All County Paving for the Phase 2 Resurfacing Project in the Amount of \$409,736.50, and establishing a Project Budget of \$471,196.
Dean Mealy, Purchasing Manager
7. RESOLUTION NO. 150-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders for Engineering Design Services of the A-6, E-5, and E-5 Wastewater Pump Stations to Kimley-Horn and Associates and D-12 and D-8 Drainage Pump Stations to Mock-Roos & Associates in the Amount of \$404,177 and a Project Budget of \$425,000.
Dean Mealy, Purchasing Manager
8. RESOLUTION NO. 151-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to Facilitate Negotiations for Scope and Price Proposal.
Dean Mealy, Purchasing Manager – Item was Pulled from Consent
9. RESOLUTION NO. 152-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award for the Comprehensive Zoning Code Reform to the Congress of the New Urbanism in an Amount Not-To-Exceed \$249,900.
Josh Martin, Director of Planning, Zoning and Building - Item was Pulled from Consent
10. RESOLUTION NO. 154-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Construction Agreement with the Florida Department of Transportation (FDOT) for Work Associated with the Town Marina Project to be Constructed within the FDOT Right-of-Way.
H. Paul Brazil, P.E., Director of Public Works

C. OTHER

1. Consider Request to Vacate and Abandon Unused Road Right-of-Way at Ibis Island Road
H. Paul Brazil, P.E., Director of Public Works
2. Approval of Cost-of-Living Pay Adjustment Policy
Danielle Olson, Director of Human Resources

XII. APPEALS

A. Palm Beach Hotel Appeal of Garbage Collection

Ex-parte communications were declared.

H. Paul Brazil, P.E., Director of Public Works, presented the issue of how the garbage was collected and reported the various complaints and the solutions. He was asking that the residential dumpster be brought to a service point so that the commercial and residential garbage could be collected at the same time.

Mayor Coniglio asked if this location and pickup operation were within Director Brazil's purview, to which he responded yes. She asked if that policy was honored by other residential and commercial interests. Director Brazil responded this was the only one he had had to bring to Council in 18 years.

Director Brazil confirmed for Council Member Lindsay there was room inside the gates for additional dumpsters.

President Pro Tem Zeidman asked which took precedence--the easement granted to the hotel or the Town's ordinance. Director Brazil responded the easement did not have to be used. Council Member Araskog asked Attorney O'Connor if the easement ran with the land, which she confirmed. Attorney O'Connor also confirmed for Council Member Araskog the easement did not prevent the Town from directing service in another area.

Council Member Crampton complimented Director Brazil on the waste management service in the Town. He asked operational questions about trucks backing up, which Director Brazil advised was noisy, and the possibility of collecting garbage later, to which Director Brazil responded he was willing to work with scheduling.

Attorney Neil Schiller of the Firm Saul, Ewing, Arnstein & Lehr, 515 N. Flagler Drive, Counsel for Palm Beach Hotel and Condominium Association, provided a presentation requesting to overturn Director Brazil's decision to provide garbage and recycling collection services on Sunrise Avenue.

Council Member Lindsay questioned how the garbage was collected in the building. Attorney Schiller explained the procedure.

Council Member Araskog asked if they had been required to get a certificate for the first dumpster, which Attorney Schiller responded they had not.

Council Member Crampton reviewed the garbage collection process with Attorney Schiller. Council Member Crampton suggested hiring an additional maintenance person, replacing the existing dumpster with two new ones on rubber wheels, and screening the area with a small park.

Council President Pro Tem Zeidman asked where the easements existed on the property which Attorney Schiller pointed out. She suggested making the gate wider.

President Moore suggested two dumpsters set on Sunrise; Attorney Schiller responded there was not enough space for two dumpsters. Director Brazil commented dumpsters could be made in any size and the hotel had been provided with specs on a dumpster that would fit through the gate and go down the sidewalk.

Mayor Coniglio confirmed with Attorney O'Connor that because the easement had existed for a certain amount of time the Town was not constrained and the easement could be used but did not have to be used. Responding to Mayor Coniglio, Josh Martin, Director of Planning, Zoning and Building, stated that a COA was not needed for dumpsters. She confirmed with Director Brazil they tried to avoid conflict between residential and commercial, and a second dumpster could be placed in the current location; also they could use their existing trash storage room and roll a dumpster on the day of service, and he was comfortable that concerns expressed by the church had been eliminated.

Council Member Araskog confirmed with Attorney O'Connor the easement could not be used for health and safety. Director Brazil answered further questions about moving trash cans and scheduling different pickup times.

Council Member Crampton received clarification on the movement of the trash.

Public Comment

Andrew Roddy, 231 Kenlyn Road, asked if there was a back entrance and suggested two dumpsters instead of one.

Karen Winston, Property Manager at the Palm Beach Hotel Condominium, commented they had limited staff but trash was picked up twice each day except on weekends once a day. Many residents were opposed to the proposed change. She indicated they were trying to bring the property to a higher scale.

Christian Lepallo, Park Avenue, asked to make sure letters from many residents were on the record. She spoke about this nuisance which began at 7:30 a.m. every

morning, the inconvenience, longevity of this issue, and thanked staff for their work.

Dr. Rhonda Nassar, 242 Park Avenue, commented that the hydraulics that created noise were only used for the hotel's garbage. She asked that Mr. Brazil's decision be affirmed.

Ann Reluiard, 402 Primavera, shared a letter from Lorraine Odessa, 201 West Indies Drive, Palm Beach, in support of the hotel's position because of traffic congestion. Ms. Reluiard commented navigating the road was not easy and having two dumpsters would not leave room for people to walk.

Glen Bean, 248 Park Avenue, agreed with his neighbors things should change.

Elizabeth Hardigan, 150 Australian Avenue, frequented the area and felt the garbage trucks contributed to the congestion.

Raymond Hagar, 231 Park Avenue, commented it was wonderful to live there except for the garbage, and the hotel was only concerned with their guests, not the homeowners. He hoped a solution could be found and did not want the bins to remain where they were.

Daphne Hogan, a hotel resident, commented that it was her home, she lived above the easement and heard birds every morning.

Warren Belmar, 130 Sunrise Avenue, thought it was wonderful that one person could cause the Town to focus on a problem they said was affecting them, and asked Council to take into consideration 240 families at the Sun and Surf who were concerned with their parking. He addressed the safety issue of driving between North County and Publix because of the trucks.

Marty O'Malley, owned property in the hotel and agreed with the previous person's comment. He referred to the Town's amended comprehensive report projecting to 2027 where it was pointed out the 200 block of Sunrise, the bridges, and from Town Hall to Worth Avenue were major generators of traffic. He discussed the zoning, businesses, and a proposed park.

T. H. Reynolds, 227 Park Avenue, did not think the garbage trucks contributed to the traffic since the stores were closed when the garbage was picked up. He commented people were speeding on his street because there were no speed bumps. He commented Council Member Crampton's idea of moving the garbage in carts to the dumpster was the simplest solution.

Simon Taylor, 234 Oleander Avenue, stated he lived in close proximity and had never been disturbed by the noise. He was concerned about Sunrise Avenue having another jam—it was always clogged with parking. Also he was disturbed by the practice of having a Town attorney give political advice to provide cover to Town Council decisions.

Shay Pollis, Palm Beach Hotel resident, indicated there was a 10-year plan to renovate the hotel for its 100th birthday in 2024. He commented about the garden between St. Edwards and the hotel.

Douglas McKeowen, hotel resident, was against changing the garbage to the front, and commented about the traffic problems.

Michael Arendt, 235 Sunrise Avenue, felt the hotel had a legal right to have the garbage picked up as it had been for years, and there were more than 40 letters in support. They had drain pipes changed to make the noise less, and were willing to work together on several items to make the noise less and the building look nicer.

Patrick Ohannessian, 251 Park Avenue, commented it was the hotel's garbage so why dump it out on Park Avenue.

Jay Adams, Palm Beach Hotel resident, commented that the hotel and Park Avenue had improved enormously within the time she had lived there, and trusted the Council to make the right decision.

End of Public Comments

Mayor Coniglio asked if there was parking for the hotel; the response was no. She spoke about how the Council did their best to make the right decision.

Council Member Crampton expressed his belief that the hotel management was making positive improvements to the property, which was to be encouraged. He felt after listening to everyone that the current process of managing the garbage was a nuisance and he felt the barriers raised by the hotel could be overcome with minimum cost. It was possible to widen the security gate, two dumpsters could relocate behind the southwest gate, and the number of staff required to do the job was up to the owners. He believed traffic would not be a problem if the garbage pickup remained early in the morning.

Director Brazil responded to Council Member Lindsay that they serviced all commercial buildings. She commented on the effect the garbage pickups had on traffic; recalled the issues when the boarding house was there and now it was a very nice residential street; and complimented the hotel in making improvements. She asked if the other side of the building had been explored if the wall was taken down and was told it was owned by a private owner. She felt the solution was to add a second dumpster.

Council Member Araskog commented this was very difficult. Her biggest concern was the legality. She proposed using the cans just for the pickup with them being taken back. She noted this was a trial, and could be revisited.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to deny the Palm Beach Hotel's appeal and

uphold the Public Works Director's decision to provide garbage and recycling collection services on Sunrise Avenue. On roll call, the motion passed unanimously.

XIII. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Shore Protection Board

Rob Weber, Coastal Program Manager provided an overview of the report in Chair Ecclestone's absence. He reported continued sand projects were needed for stabilization. If the proposed projects were not completed by April, they would be resumed next November. Two new goals had been established—coastal vulnerability and resiliency and communication. Town Council had heard Bob Hamilton of Woods Hole Group earlier in today's meeting discussing coastal vulnerability and the upcoming implementation plan. The Board was also exploring opportunities to improve communication and educate the public on the condition of the beaches and the successes of the program. It was anticipated that the Town Council would reconsider approval of the groin rehabilitation project for the 2021 budget at Clark Avenue, Midtown and The Breakers, which is anticipated to be presented to Town Council in February, 2020; reconsider a project following the Corps issuance of the Environmental Impact Study record decision and federal permit; receive a resiliency implementation plan for actions to be taken along both the ocean side and the lagoon side; and improve coordination between the beach raking and volunteer beach cleanup efforts.

Council Member Lindsay asked Mr. Weber to explain the financial impact of the Midtown project. Mr. Weber responded they had been able to get the federal participation up to 65% cost sharing, but because there had been a group of residents who did not sign the easement, that cost sharing by the federal government had dropped to 50%, therefore, the Town would have to pay that 15% difference, estimated between \$3M to \$5M. If the residents decided to sign sometime during the next two years, that percentage could be brought back up to 65% costs paid by the federal government for the next project.

Council Member Araskog confirmed with Mr. Weber that the Environmental Impact Study was still scheduled to be out in January, 2020.

Council Member Crampton asked about the Breakers request. Mr. Weber advised at this point it was only to get it designed and permitted. Director Brazil commented that the funding for the study was in the budget for The Breakers project, but construction funding was not; however there should be enough money in the Coastal Fund.

Mayor Coniglio questioned the funds that had been dispersed in the last 30 years, and the response was that it was approximately \$10M per year. The Mayor wished to work with partners on projects to recoup some of the money for each project.

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

XIV. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project
TIME CERTAIN: 2:00 P.M.

a. Review of Project and Status Summary

Steven Stern, Project Manager reviewed the project and provided a status summary. He corrected a date in the backup which had listed the next Coffee with the Crew on January 6, not January 2. All meetings regarding undergrounding in 2020 had been added to the calendar on the Town's website. He provided updates on pending cases, construction status of work in Phases 1 and 2 North, Phase 2 South, Phase 3 North, and Phase 3 South. He reported the easement acquisition process was complete in Phase 2 North, Phase 3 North, and Phase 2 South. Phases 4 North and South were not behind but probably would not be ready to move forward at the pace specified in the original master plan. Phases 5 North and South were expected to begin easement acquisitions towards the end of the first quarter of 2020.

Kevin Schanen, Kimley-Horn, provided a power point presentation on the opinion of probable costs for the undergrounding program, totaling \$119.9M. He reported far more grant opportunities existed than previously.

Council Member Lindsay clarified with Mr. Schanen that since Kimley-Horn became involved in 2016 and increased the cost amount to \$98.6M, that the milling and resurfacing, then estimated at \$13M, was not included, and had remained not included.

Council President Pro Tem Zeidman asked how confident Mr. Schanen was in the new estimated total. Mr. Schanen responded that they had much more information today than three years ago on which to estimate. He could not predict future economic conditions, but they had provided a contingency, which he felt was reasonable. The expense for easements was now built in. He reported the current level of fragmentation was less than in previous phases and that was now built in.

Council Member Araskog confirmed with Mr. Schanen that the true figure was \$128.4M and that \$119.9M had been reached by deducting the grant amount. She expressed concern regarding what might happen in the future.

Director of Public Works Brazil commented staff had reduced the contingency figure and if they had stayed with the higher figure it would have made today feel very different; and that was out of Kimley-Horn's control.

Council Member Lindsay received an explanation of the budget history. Mr. Schanen explained the cost per household could vary between \$1,000 to \$2,000.

Council Member Crampton was interested in thinking ahead to how to pay for this. Town Manager Blouin indicated the money might run out in approximately 2021, but he did not believe taxes would need to be raised since excess surplus was being added to reserves. Jane LeClainche, Director of Finance, commented she believed they would need close to \$17M.

Mayor Coniglio commented it had always been her belief that sales tax would be used for undergrounding. She asked if there had been an effort to get more money from telecommunications at the start of the process. Director Brazil advised those efforts had not worked out. Her concern was cost overruns and how to pay for the project. The effect of stopping the project was discussed.

Council President Pro Tem Zeidman felt it was time to move on, and asked Mr. Brazil if he was comfortable with the contingency now, and he responded that he was.

Town Manager Blouin indicated he had trust in Mr. Schanen's figures, and staff would control the costs of the project that were within their control.

Town Manager Blouin confirmed for Council Member Araskog the intent was not to raise taxes or assessments.

Council Member Lindsay commented from this day forward work would focus on the reduction of \$16M. Director LeClainche announced a savings by refinancing the 2013 bonds on December 4 at 2.98% , of a total of \$6M through 2043.

Council Member Crampton asked what kind of early warning system staff could provide so Council would know the progress of working on this \$16M shortfall. Staff indicated the monthly dashboard would provide the information and this could be discussed during the budget process.

The Mayor felt the Council could designate the other 2.5% of sales tax to reduce the \$16M.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the allocation of the remaining \$2.5M sales tax revenue for the undergrounding program. On roll call, the motion passed unanimously.

Public Comment:

Robert Davidow, 2100 South Ocean Boulevard, recommended stopping the undergrounding project.

Alan Wyett, resident, commented the original \$90M figure was incorrect and he suggested to stop worrying about it and pay for it.

2. Discussion Regarding Landmark Notification Procedures

Assistant Director of Planning Zoning and Building, Wayne Bergman provided a brief background of the subject.

Council Member Araskog commented on prior discussions about giving notice, and stated she agreed with the advice given by Town Attorney Randolph to keep the process procedural.

Mayor Coniglio confirmed with Town Attorney Randolph that the current landmarking process of giving notice when a landmarked property was referred to Town Council had existed since 1979. She was concerned whether any change would affect the landmarks program, and the cost of notification. She was in favor of the proposed historic homes process so it would become more voluntary, but the landmarking process should not stop. She proposed the historic homes program as a second path.

Council Member Lindsay agreed with the Mayor, and wanted to go through education before making any changes.

Mayor Coniglio commented ORS had come out with a change to the landmarks ordinance and she was saying today she would not do that.

Council Member Araskog offered a correction to the Mayor's comment, stating ORS did not come out with a change to the ordinance because of Town Counsel's advice. The Town Attorney clarified his advice was to change to allow notice but not change the ordinance, thereby keeping it procedural. She stated that was what she was recommending—to do it procedurally which would not trigger Bert Harris, would not change the landmarks ordinance, and the Town Attorney felt procedurally this was okay.

Town Attorney commented there was a distinction between notification to individual properties that they wished to be designated and to a historic district. He recommended against any notice for an individual property.

Council President Pro Tem Zeidman asked if there was interest in historic districts.

Council Member Araskog responded that would be covered under code reform but did not want to limit historic districts.

Council President Moore commented today's discussion was on landmark notification procedures and the Town Attorney was advising not to make a change to the ordinance itself, but to make a procedural change and ORS was agreeing with that. Council Member Araskog commented only for district, not individual. Council Member Crampton felt notification for both was better.

Public Comment

Mr. Rene Silvin, Australian Avenue, remarked that for landmarking, homeowners were currently notified twice - when their home was going to be considered, and again when the date the designation report was going to be presented. Town Attorney Randolph corrected him, stating homeowners were not noticed before being placed under consideration; they were noticed after being placed under consideration. He explained any commissioner on Landmarks could at any meeting, without the landowner being in the audience, say I would like to place this property under consideration, they then voted to place it under consideration, then a notice was sent to the property owner. Then when the report was presented the landowner had the opportunity to address the report, present any evidence, and have cross-examination. Mr. Silvin recalled only two occasions since he had been on the Landmarks Preservation Commission where a homeowner objected to the Commission moving forward on the designation. In both instances Town Council had overruled the Landmarks Preservation Commission. He asked if the Council had concerns about notice before the Historic Districting came up, which he believed the answer was no, so he recommended to leave it alone. He felt Council Member Araskog's actions were clear and he agreed with the Mayor.

Simon Taylor, 234 Oleander Avenue, commented he had been impressed at the zoning code reform sessions by the creativity, expertise and flexibility in addressing people's concerns about historic houses, and it appeared a lot of expertise could be brought in. He suggested prioritizing the residential part of zoning code reform. He felt what was driving a lot of the anxiety and urgency of zoning code reform was the tear down and bulk up process, and he suggested looking at ways of preserving historic feel of certain houses using a lot of creativity and expertise.

Jay Serzan, 353 Seabreeze Avenue, stated he favored leaving individual notice the way it was, and had the impression historic districts were not going to be an issue going forward unless people wanted it to happen in

their own neighborhoods, and he was fine with that, too. He felt if historic districting was going to come about that something should be done about notices, and doing it procedurally was fine, but if historic districting was off the table that was also fine.

No action was taken.

3. Proposed Changes to Special Event Ordinance

Town Clerk Dominguez had researched and found a code from a town in Texas that she felt addressed many of the Town's concerns. She had presented a proposed code using that information to the ORS Committee. They had provided feedback, which she had incorporated by adding new definitions; and remarked that the new text was underlined and the text that was stricken through was what the ORS Committee had taken out.

Council Member Araskog commented because the run/walk definition included walking, running and/or racing, everywhere walking or racing was mentioned should be replaced with "run/walk event as defined". She offered several text changes.

Council Member Lindsay stated that she did not agree with this item since marathons had already been discussed.

Town Clerk Dominguez pointed out the code had been changed to reflect that all Town races had to come before Town Council, and at the July 9 Town Council meeting, Council had directed staff to work with the ORS Committee to modify the code so Council would have criteria to use in considering whether or not to approve a race.

Town Manager Blouin noted the code today required that anything new other than the things that were grandfathered come back to Council, deferring to the Town Attorney. Town Attorney Randolph advised he had understood this would not be brought up as an ordinance, but just to come back to Council for input. Staff was directed to prepare an ordinance with the changes and suggestions provided by Council Member Araskog and present it for first reading at the January 14, 2020, Town Council Meeting.

Consensus of Council was to bring back the Proposed Changes to Special Event Ordinance for first reading in January, 2020.

4. Public Parking Program for Town-owned Peruvian Parking Lot and 100 Block of Sunrise Avenue

Deputy Town Manager Boodheshwar noted that last month's discussion of purchasing four parking kiosks had not been approved. Also, Council had asked for a proposal of how the Peruvian parking lot could be regulated for public parking. Current paid parking on Peruvian Avenue was enforced

Monday through Saturday 8 a.m. to 6 p.m.. The Peruvian parking lot for employees was basically empty at 5:30 p.m. Monday through Friday and completely empty on weekends. Staff proposed for consideration to charge \$3 an hour for parking in this lot from 5:30 p.m. until 10 p.m. Monday through Friday and on Saturday and Sunday 8 a.m. to 10 p.m. This would require changes to the Peruvian Avenue parking regulations for enforcement to 10 p.m. and on Sunday to match the lot. One kiosk was required to manage the lot. Also recommended was placard parking in the lot.

Council Member Lindsay commented a reason for bringing this up was the significant amount of restaurant employee parking taking up all the free spots on the street, and there was no way they would park for \$3 an hour. The problem would not be fixed during the week, but others would pay to go to the beach or dinner.

Council President Pro Tem Zeidman felt this should not be done piecemeal. She commented people felt punished if their street was picked for paid parking. She suggested using zones, and not acting now before the symposium, and then having a more comprehensive plan.

The Mayor agreed with Council Member Lindsay, disagreed beachgoers would pay \$3 an hour, and thought potentially selling placards for the Peruvian lot would defeat the purpose. She commented there was already a comprehensive plan and that could be used or do it piecemeal.

Council Member Crampton indicated he would go at this in steps. People were not in favor of managed parking and he saw no solution at this time. He felt employee parking could be resolved. He felt the solution was to take over the Apollo lot and restrict employee parking to a section of that lot, asking store owners to subsidize and possibly the Town also subsidizing.

Council Member Araskog suggested looking into paid parking for store employees and beachgoers on weekends. She commented on Sunrise for \$1,000 one could park all day and all night, so someone might prefer to spend that much to park on Peruvian. She also thought that the placard program should be much more expensive.

The Town Manager explained the reality was that a comprehensive, town-wide, consistent parking plan was needed, and asked for time to get that prepared.

Council President Moore reported she had conversations with a business owner who wanted to lease the entire lot.

Deputy Town Manager Boodheshwar suggested making the lot free with specified hours.

Council President Pro Tem Zeidman agreed with the Town Manager that a comprehensive town-wide plan was needed. The Town could help the shop owners by letting them know where parking was available. She suggested an ordinance to require business owners to provide parking spaces to employees based on the number of employees, by providing placards or other means. The Mayor thought this would be unenforceable with restaurants that had 100 employees. Discussion ensued regarding one-hour or two-hour free parking in the lot.

Public Comment

Simon Taylor, 234 Oleander Avenue, asked about payment at the kiosks, and was told it would be by credit card. He commented on privacy concerns.

Daniel Ponton, 1 Golfview Road, expressed concern that charging for parking on Peruvian Avenue would only send people to another street. He commented none of his employees parked on the street. He saw the problem as the empty lot, not parking on the street, and emphasized the importance of a comprehensive town-wide plan to deal with parking.

Council Member Lindsay suggested free parking for the holidays when the lot was empty.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the following plan for the town-owned Peruvian parking lot on a temporary basis until a comprehensive town-wide parking plan is adopted:

- **Free 2-hour public parking will be enforced during the hours of midnight to 5:30 p.m. on Saturdays and Sundays only**
- **Free unlimited public parking will be available during the hours of 5:30 p.m. to midnight on Saturdays and Sundays only**
- **Free unlimited public parking will be available from 5:30pm to midnight on Monday through Friday only;**

On roll call, the motion passed unanimously.

Council Member Araskog discussed Sunrise Avenue placards, which she felt should be more expensive because now for less than \$100 a month, people could leave their cars for hours on end. She was also worried about putting kiosks on an ocean block.

Mayor Coniglio felt the kiosks were a great opportunity. Discussion ensued.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to reconsider discussion of kiosks and placards. On roll call the motion failed 3-2 with Council Member Lindsay, Council President Pro Tem Zeidman, and Council President Moore opposed.

Motion was made by Council Member Lindsay, and was seconded by Council President Moore, to appropriate the amount of \$26,280 from the contingency budget to purchase four parking kiosks with the caveat that the number of placards could be reduced to 15 if staff desired. During discussion of the motion, the Town Manager indicated this would come up in next year's budget. On roll call, the motion passed 3-2 with Council Member Araskog and Council Member Crampton opposed.

5. Ficus Benjamina Removal Program Special Pick-Up

Director of Public Works H. Paul Brazil commented if he did special pickups every Saturday during the summer with 100% overtime, 100 of pickups lasted all day, and all trucks were fully loaded, cost was about \$100,000. He indicated he could accommodate a few months within his existing budget if it were free to accommodate the residents.

Council President Pro Tem Zeidman suggested doing it for a shorter period of time than 26 weeks.

Mayor Coniglio was concerned about setting a precedent. She felt there should be an initiative program but that it would be good for each resident to remove their own ficus.

Council President Moore recused herself because both herself and her mother were removing their hedges.

Council Member Araskog reported talking with people who indicated they would get rid of the plants if the Town picked it up free of charge, and she recommended doing it four Saturdays.

Council Member Crampton felt it important to provide an incentive, agreed with Council Member Araskog's proposal for four Saturdays or possibly capping at \$50,000.

Council Member Lindsay commented on the dangers of the chemicals. She and Council President Pro Tem Zeidman proposed one Saturday a month from May 1 until October 31, which if filled would result in a cost of \$107,000.

The Town Manager proposed heavy promotion to do it for free May and June for residents who removed the ficus hedges and replaced them with a

native plant. This would be seven Saturdays with Memorial Day holiday excluded.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, that for seven Saturdays starting May 1, 2020, not including holiday Saturdays, the Town shall provide free pickup of removed ficus hedge if replaced with a native hedge, or if removed and not replacing it. On roll call, motion passed 4-0 with Council President Moore recused.

B. New Business

1. Coastal Resilience Implementation Plan Discussion
TIME CERTAIN: 11:00 AM

Bob Hamilton, Woods Hole Group, emphasized he was present for both the Town and the public. He provided a presentation of the completed Coastal Flood Vulnerability Assessment and the implementation plan. They had expanded the modeling to include influence of upland inland precipitation runoff to the lake system to consider if that affected flooding on Palm Beach. They did not focus on rain which accumulated on Palm Beach, but on keeping water out of Palm Beach coming from the lake or the beach. Improvements to the final report had been made and the Town had been provided with maps, tables, model, and assumptions. They had looked at flood pathways and a selection of possible actions that might be taken. The implementation plan was a path forward with his group in an advisory role for projects that needed to be done immediately and in the future. This action plan was intended to save money and improve resilience. They would work with staff on assumptions and recommendations, implementation pathways, monitoring triggers, reporting, obtaining feedback, and provide monitoring and updates along the way before completion.

The Mayor commented their group had helped immensely with the Town's coastal program. Staff responded to the Mayor that funding was already included in the Coastal Protection budget. She asked Mr. Hamilton to focus on what the implementation would cost and to provide enough information for Council to make knowledgeable decisions.

Council President Pro Tem Zeidman commented this was the most challenging issue faced by the Town, and she felt the money would be well spent, and they could see the options available.

Council Member Araskog asked if some rain had been included; Mr. Hamilton responded they included rain to the point where the lake would flood Palm Beach. She asked about staff involvement; Mr. Hamilton indicated staff input which had been provided could change, so that would be reviewed when appropriate with changes made as necessary and reporting would be done along the way for Council and the public.

Council Member Crampton commented this was a good report, but not much information regarding cost relative to the amount of work undertaken. Responding to Council Member Crampton, the Town Manager indicated Public Works would be most involved, but Planning and Zoning would also work with them. Mr. Brazil announced Rob Weber would be the lead in Public Works. Mr. Hamilton informed the Town Manager that Woods Hole Group was familiar with the FEMA process and tracking grants.

Council Member Lindsay asked if emphasis would be more on the next 10-15 years and if he thought the inundation threat to the Island was more from the east or west. He responded from the west, but the water was from the east. She commented it was high priority to look at assets along the west side.

The Mayor asked if Mr. Hamilton saw the need to pull from the coastal program; Mr. Hamilton responded these were long-term projects and everything did not need to be done in a year but needed to be incorporated methodically in out years.

The final report was on the website.

Anita Seltzer, Coconut Row, commented that there were concerns by single-family homeowners of stormwater runoff as a result of being surrounded by higher buildings as a result of FEMA requirements. She was disappointed information was not included of rain on the Island. She did not think the Woods Hole Group knew all the details on undergrounding, and raised several questions. She felt everyday rain runoff should be included for those affected by having higher ground nearby. Mr. Hamilton indicated he would take those comments under consideration.

2. RESOLUTION NO. 153-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFP No. 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Coordinator to Health Fitness Corporation in the Annual Amount of \$181,593, and a Proposed Three-Year Award in the Amount of \$544,779 based on Satisfactory Performance and Subsequent Budget Approval.

The Town negotiated a Best and Final Cost Savings of \$6,386 Annually, and \$19,158 for a Three-Year Contract Award.

Carolyn Stone, Director of Business Development and Operations presented the Resolution.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Resolution 153-2019. On roll call, motion passed unanimously.

C. Matters Pulled From Consent Agenda

2. RESOLUTION NO. 151-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to Facilitate Negotiations for Scope and Price Proposal. ***This Item was Pulled from Consent Agenda***

Dean Mealy, Purchasing Manager, was asked to explain how Kimley-Horn had been chosen. He explained the solicitation was provided to 1300 firms nationwide, plus 51 additional firms, and 15 firms acknowledged interest, only 7 began the process, and only one (Kimley-Horn) provided a full submittal. Post submittal, staff reached out to the 6 firms that began and did not finish; two of them shared their reasons for not finishing, which was the Town's relationship with Kimley-Horn. Town Manager Blouin commented because Kimley-Horn did so much local area work, they were familiar with the infrastructure and it was much easier for them to complete the study than other competing firms.

Council Member Crampton commented no one wanted to bid against them, and the water supply options in the backup did look pretty comprehensive, and it looked like Kimley-Horn had a clear idea of the options, and it looked well laid out.

Mayor Coniglio asked if there was a conflict of interest. Town Manager Blouin commented West Palm Beach was only one option of several, but it might not be the preferred option. The date the new water system had to be done was 2029, for 30 years.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve Resolution 151-2019. On roll call, the motion passed unanimously.

3. RESOLUTION NO. 152-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award for the Comprehensive Zoning Code Reform to the Congress of the New Urbanism in an Amount Not-To-Exceed \$249,900.
Josh Martin, Director of Planning, Zoning and Building - Item was Pulled from Consent

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to defer Resolution No. 152-2019 to the

January 14, 2020 Town Council Meeting. On roll call, the motion passed unanimously.

Dean Mealy, Purchasing Manager, explained that based on comments made by a gentleman that morning he had reached out to the Inspector General and Commission on Ethics about the 501(c)(3) but could not get an answer back for a week or two.

XV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 39-2019 An Ordinance of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94, Retirement Age and Service Conditions for Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Director of Human Resources Danielle Olson noted this was the second ordinance amending the retirement plan that provides the changes for the union firefighters.

Town Attorney Randolph read Ordinance No. 39-2019 by title only.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Ordinance No. 39-2019 on second reading by title only. On roll call, motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 40-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2); Relating to Issuance of Decals and Visitor/Service Permits; Allowing for the Issuance of Eight Decals and Visitor/Service Permits Instead of the Four Currently Allowed; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Town Attorney Randolph read Ordinance No. 40-2019 by title only.

Jay Boodheshwar, Deputy Town Manager, asked for questions.

Council Member Lindsay commented she had previously asked about abuse of permits on Seaspray Avenue where a homeowner gave her permit to a contractor working on a spec house and they were parking in front of neighbors. The Town Manager explained that was an enforcement issue, not a loophole, and it had been enforced. It did not need to be in this Ordinance.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve Ordinance 40-2019 on first reading by title only. On roll call, the Motion passed unanimously.

1. ORDINANCE NO. 41-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 of the Town Code of Ordinances, Parks And Recreation, Article II, Beaches And Aquatic Activities, Division 3, Regulation of Use of Public Beaches, At Section 74-191, So As To Include the Beach from Sunset Avenue To Wells Road And Beaches Defined By The Town Which Provides That No Person Shall Take Any Animal Upon Said Beaches; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Town Attorney Randolph read Ordinance No. 41-2019 by title only.

Michael Pucillo, 224 Dunbar Road, stated that he lived in that area and was on the beach each morning with his dog, as were other residents. He asked that either no ordinance be adopted or a different ordinance be adopted that required a leash and did not ban dogs from the beach.

Council Member Lindsay stated she was willing to pass this ordinance inserting “without a leash”.

Jay Boodheshwar, Deputy Town Manager, recommended that this Ordinance be rejected and staff be directed to return with a new Ordinance that would provide for dogs to be permitted in this section of beach on a leash with the proper language inserted into the proper section of the Code. Town Council agreed.

Ordinance No. 41-2019 was rejected for lack of a motion.

XVI. ANY OTHER MATTERS

1. Worth Avenue Design Guidelines

Council Member Araskog expressed concern about process of zoning laws and that they must be followed by law whether one liked a project or not. She had written a letter and the Town Attorney had responded. She stated she was trying to do two things, discuss the design guidelines and to discuss Worth Avenue in general. The guidelines had been developed in response to the question of what the residents wanted Worth Avenue to be. She felt Council should read the guidelines rather than have staff read for them. She commented Paul Castro's memo left out the criteria necessary to approve a special allowance or to discuss it, which she felt should bring it back to Council and to ARCOM. She provided history of the guidelines, where it was clear Council and not ARCOM was to make decisions. It was also clear the guidelines did not include anything to do with finances. She listed concerns raised by residents. She recalled that Town Attorney Randolph said several times that Council must be very specific for the Council to be able to make appropriate decisions later--that was critical. She stated from 1990 ARCOM minutes: "No section of the guidelines is intended to work independently of any other section. All sections are intended to work in conjunction with each other. Special allowances should be applied only in cases where significant and substantial improvement to the structure and/or restoration and development occurred. That the emphasis on the Avenue in conjunction with the architectural character of the guidelines is to enhance the pedestrian character; that the middle section of Worth Avenue needs to maintain a one to two-story atmosphere. Pictures were discussed of what would be examples of balconies, colonnades, and wrought iron." Council Member Araskog felt the most important thing in dealing with all of this was they had discussed that New Orleans, Tudor, international style, modern, and post-modern were not the styles desired. They were encouraging mid-rev, neoclassical, art deco modern, and modern variants thereof, described as not any of the other styles. She noted the word restore meant to bring back to the original state, not to add things. She read other portions from the design guidelines. She would like to figure out what the public wanted, and then re-write the code. She believed the project she was discussing had not met the code, and should have gone to both Landmarks Preservation Commission and ARCOM.

Paul Castro, Zoning Manager commented that the intent of the Design Guidelines was to go to either Landmarks Preservation Commission or ARCOM. Council Member Araskog said the guidelines stated it should go to both. She believed Council should have had the guidelines and this should be revisited. She would like to ask for a motion to reconsider.

Council President Moore asked if there was an appetite to reconsider. There was no appetite on the desk for a motion to reconsider.

Council Member Araskog asked if there was an appetite for a moratorium. Town Attorney Randolph advised a moratorium must be based upon a study that came back to the Council.

Council Member Lindsay asked staff if this building had been renovated as neoclassical, and if special allowances expired. Zoning Manager Castro

responded that in 1996 they were made part of the code in perpetuity, and Council and ARCOM determined whether they were eligible, not staff. Council Member Lindsay indicated her understanding was they were still eligible for a special allowance under the renovation that occurred previously, which would make Council Member Araskog's concern about the restoration definition moot. She commented when you read the document nothing talked about things birds could see and people could not. If not visible from the pedestrian view, it was not discussed. She interpreted if it could not be seen from the street or sidewalk it was not meant to be discussed. She thought Council made the right decision last month when they sent it back to ARCOM to stick to the 25%. She said reading the guidelines gave her more comfort that they made the right decision on this matter.

Town Attorney Randolph advised a motion for reconsideration was off the table. The Town Council should decide whether or not based upon the study being made, if a moratorium should be declared in regard to guidelines on Worth Avenue.

Council President Pro Tem Zeidman stated she was no longer in favor of a moratorium because she thought things would come before them between now and the zoning code changes. She felt ARCOM needed to be very cognizant of the guidelines and she felt it was not a restoration because it had been previously altered.

Council Member Crampton did not agree with Council Member Araskog since these were guidelines, not a requirement. The Council was the final decision maker, and he favored letting the process take its course.

The Mayor felt a moratorium would not be fair. This was the first time Worth Avenue guidelines had been discussed in 13 years. She did not want to discuss a moratorium again.

Council Member Araskog confirmed with the Town Attorney that going forward the guidelines carried the force of the zoning law.

XVII. ADJOURNMENT

There being no further business, the Regular Town Council meeting of December 10, 2019, adjourned at 6:44 p.m.

Attest:

Approved:

Patricia Gayle-Gordon
Acting Town Clerk

Danielle H. Moore, Town Council President

Date: _____



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on December 11, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order December 11, 2019 at 9:33 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 Gayle-Gordon gave the invocation. Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio stated her agreement with the decision to allow parking in the Peruvian lot after hours, but expressed concern it could become a commercial enterprise for valet operations. She proposed that staff send out letters to the surrounding businesses offering it as open parking but not to be used as a commercial venture, with which the other members of the Council agreed.

Mayor Coniglio read aloud a proclamation in honor of Town Attorney John C. Randolph for 40 years of outstanding service to the Town of Palm Beach as of September 19, 2019, and proclaimed December 11, 2019 as a Day of Gratitude in appreciation of that service.

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

Council Member Araskog thanked the Police Foundation for becoming the Police and Fire Foundation. She asked the Council to look at the landscape ordinance to see if Ficus Nitida plants should be added, since now it only mentioned Ficus Benjamina. Council Member Araskog reported she had received many calls about the traffic issues and felt something must be done. She also reported a major problem with nails in tires and wanted that addressed by the construction people.

Council Member Lindsay reported a bridge malfunction which had caused traffic problems the day prior. She commented whitefly was attracted to Ficus Benjamina but was happy to study the Ficus Nitida species. *Consensus was to send the landscape ordinance to ORS staff for revision.*

Council President Pro Tem Zeidman extended thanks and appreciation to her Council colleagues and Mayor, Commissioners, Staff, and Directors for their hard work for the Town.

Council Member Araskog thanked the team who refinanced the Town's bonds.

V. COMMUNICATIONS FROM CITIZENS

John David Cory, 326 Australian Avenue, expressed thanks to staff member John Lawrence, Public Works, for his help with the 75 palms project honoring the Civic Association's anniversary. He announced upcoming projects for the Beautification Committee.

Kathleen Bleznak, 960 North Ocean Boulevard, drew attention to the property at 208 Sandpiper currently under construction which abutted their garage entrance, and had an infestation of whitefly, and overflowing dumpsters which attracted rats and ants. Following a health inspection she had been advised their permits were in order and there was no recourse. She asked the Council for help.

VI. APPROVAL OF AGENDA

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

VII. RESOLUTIONS

- A. **RESOLUTION NO. 155-2019** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 2275 South Ocean Boulevard 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.

Council President Moore recused herself for conflict of interest.

Janet Murphy described the history of the property and the Reef condominium. She stated the condominium met criteria 1, 3 and 4 of the Landmarks Preservation Ordinance. She described the criteria and

indicated this had passed Landmarks 7-0.

Deputy Clerk Gayle-Gordon administered the oath at this time and throughout the meeting as necessary.

Town Attorney Randolph read aloud Resolution No. 155-2019 by title only.

Motion was made by Council Member Lindsay, and seconded by Council Member Crampton, to make the designation report a part of the record. On roll call, the motion carried unanimously.

Public Comment

Bram Majtlis, resident of The Reef, 2275 South Ocean Boulevard, stated he was President of The Reef Condominium Association and thanked residents of The Reef and the General Manager who were present for their support. He provided a history of the building renovation. He thanked all those who had helped with the landmark designation education and expressed gratitude to the architect and the Town.

Council Member Crampton felt the building was very graceful and other buildings with this type of architecture should be considered for landmark designation. He expressed thanks for all who worked on this.

Council Member Araskog also expressed her thanks.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to adopt Resolution No. 155-2019 designating the property at 2275 South Ocean Boulevard as a Landmark of the Town of Palm Beach on the basis that it met criteria 1, 3, and 4 of Section 54-161 of the Town of Palm Beach code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 156-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 334 Australian 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.

Janet Murphy described the history of the property at 334 Australian Avenue. She stated the building met criteria 1 and 3 of the Landmarks Preservation Ordinance.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to make the designation report a part of the record. On roll call, the motion carried unanimously.

Public Comment

Rene Silvin, 442 Australian Avenue, stated he served on the Landmarks Preservation Commission, and lived in the neighborhood, and had been pleasantly surprised when the new owner asked for landmark designation. He felt it was one of the last remaining homes that defined a neighborhood that was once important in the Town. He was in favor of the plan for the home.

Council President Moore felt this would have been appropriate for historic designation.

Ms. Murphy indicated this had passed Landmarks 6-1.

Council Member Araskog expressed support. Council President Pro Tem Zeidman also expressed support. Mayor Coniglio also expressed her support.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, to adopt Resolution No. 156-2019 designating the property at 334 Australian Avenue as a Landmark of the Town of Palm Beach on the basis that it met criteria 1 and 3 of Section 54-161 of the Town of Palm Beach code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Time Extension Request for Construction – 208 Sandpiper Drive

Ex-parte communication was disclosed by Council Member Araskog.

Planning, Zoning & Building Assistant Director Wayne Bergman presented the request and complaints that had been received. He suggested entering into an agreement for construction completion.

Maura Ziska spoke on behalf of the owner. Ed Curry reported he had been contacted four months ago and had set a schedule to move forward, and would talk with the neighbors and clean up the outside and spray the hedges and would make sure it was completed in a timely fashion.

Council Member Crampton asked if Mr. Curry would be willing to sign an agreement as suggested by Mr. Bergman.

Mr. Curry indicated June 30, 2020 as completion date. Mayor Coniglio suggested incentives not to exceed the completion date. Council Member Araskog agreed with Council Member Crampton and the Mayor. Discussion ensued regarding the agreement. Town Attorney Randolph advised any incentive or liquidated damages would be assessed against the owner of the property. Permits would be expedited by staff.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, to approve the time extension request for construction at 208 Sandpiper Drive with the caveat that the owner and contractor will enter into an agreement with the Town that all exterior work will be completed by February 28, 2020 and all work will be completed by June 30, 2020 with liquidated damages of \$2,000 per day to accumulate on the exterior work on March 1, 2020 and on the entire project on July 1, 2020. On roll call, the motion carried unanimously.

2. Time Extension Request for Construction and Permit Extension – 1230 N. Ocean Way

No ex-parte communication was disclosed.

Planning, Zoning & Building Assistant Director Wayne Bergman presented the request. He stated staff had no objection to the extension request to December 31, 2020.

No attorney for the owner was present to speak on this issue.

This item was pulled to be heard after New Business.

3. Time Extension Request for Construction and Permit Extension – 200 Via Bellaria

No ex-parte communication was disclosed, except Council Member Araskog who spoke with staff.

Planning, Zoning & Building Assistant Director Wayne Bergman presented the request for time extension through February 15, 2021.

Attorney Maura Ziska turned the discussion over to Gene Parker, Hedrick Brothers Construction, who explained the construction was very detailed to bring it back to its original state with very intricate millwork, etc.

Council Member Lindsay asked if the site needed to be cleaned up on the outside; Mr. Parker indicated it was okay at present.

Planning, Zoning & Building Assistant Director Wayne Bergman felt this

was a reasonable request.

Council Member Araskog asked about problems with the first contractor, which Mr. Bergman could not speak to.

Council Member Crampton discussed options for timelines with Mr. Bergman.

Mayor Coniglio expressed concern with set timelines and was in favor of them coming back in six months to assess where they were then. Council Member Araskog was in favor of the six months also.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman to approve the time extension request for construction at 200 Via Bellaria to February 15, 2021, with a six-month report to Town Council in June 2020 with liquidated damages of \$2,000 per day to begin at the end of the extension period. On roll call, the motion carried unanimously.

4. Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue.

Ex-parte communication was disclosed by all Council Members.

Director of Public Works H. Paul Brazil presented the request to authorize a waiver to the Town Code for work during the Season for Bradley Park Hotel. He discussed the one-way traffic, which had impacted the community. He advised they were asking for extended work hours for all interior work to finish the project. Also, they were currently in the appeal process with the Police Chief for their third strike, and if the Police Chief did not rescind the ticket, the Building Department would red tag the job and the applicant would have to come back to the next Town Council meeting.

Planning, Zoning & Building Assistant Director Bergman reported the request for extended work hours was 7 a.m. to 10 p.m. 7 days per week with all work after 5 p.m. and weekends to be interior.

Police Chief Caristo did not agree with red tagging and stopping the project; he recommended they pay a fine.

Mayor Coniglio discussed traffic problems created by this project which had greatly impacted the community and could have been alleviated if extended hours had been started in May.

Council Member Araskog agreed with the Mayor, wanted the street changed back to two way, and did not want to stop the work.

Council President Pro Tem Zeidman wanted to move forward with their plan. She asked if the fine could be paid and keep working. The process was discussed. The applicant was willing to drop their appeal in order to remove the red tag stop work order.

Council Member Lindsay summarized that the applicant would drop their appeal, the Council would drop the red tag, impose a fine of the maximum amount allowed, open the one-way street as soon as possible, and if this occurred again they would automatically be shut down, and stated she had problems with early morning and evening deliveries.

Council Member Crampton stressed this was an important project but work needed to be suspended if this happened again.

Council Member Araskog wanted all projects to be treated equally. Council President Moore agreed.

The applicant reported the number one problem had been dealing with FPL and having to bury lines, which caused delays. They had not understood just how difficult this massive project would be and that FPL would cause them to be two months behind. Their number one goal was to get out of the right-of-way, and they were doing their best to get through this project.

Council Member Araskog discussed parking problems and asked about the delay caused by FPL, which was explained as actually six months. She felt the residents should have peace on Saturday and Sunday.

Council Member Lindsay asked about using the parking lot for all deliveries. Director of Public Works Brazil explained the site was just too small for that to work and they would need three parking spaces. Details of the applicant's request were discussed.

Council President Pro Tem Zeidman asked the expected finish date. Mr. Grace explained they did not know how long FPL's work would take. She expressed concern regarding the holidays.

Council President Moore expressed the same concerns regarding completion.

Council Member Crampton was concerned the applicant did not have a plan. Mr. Grace responded they could not set a completion date because of FPL. The applicant indicated they could finish exterior work in the right-of-way January 31, 2020, and would provide a schedule contingent on FPL of 7 weeks for completion after FPL was finished.

Mayor Coniglio expressed concern regarding deliveries and clarified the completion time. Council Member Araskog expressed concern regarding

Saturday and Sunday and the holiday weeks. Director of Public Works Brazil suggested working together to make the road two-way traffic and require them to come back in January. Discussion ensued.

Motion was made by Council Member Araskog, and seconded by Council President Moore to wait until January 15, 2020 to consider the time extension request for construction at Bradley Park Hotel, 280 Sunset Avenue, to require payment of fines and remove the “red tag” stop work order and work regular construction hours until January 15, 2020. On roll call, the motion failed with Council Member Lindsay, Council President Pro Tem Zeidman, and Council Member Crampton opposed.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman to approve the time extension request for construction at Bradley Park Hotel, 280 Sunset Avenue, with the caveat that the appeal is withdrawn, payment of outstanding fines is required, and the “red tag” stop work order is removed; quiet, interior work only until December 20, 2019 and from January 2 to January 15, 2020 from Monday to Friday, 5 p.m. to 10 p.m. with deliveries from Monday to Friday, 8 am to 5 pm, and the applicant is to follow Director of Public Works Brazil’s plan for the right-of-way, and there shall be liquidated damages of \$5,000 per violation; and the applicant is required to return to Town Council on January 15, 2020. On roll call, the motion carried unanimously.

Clerk’s note: Lunch recess was taken at 11:45 a.m. The meeting reconvened at 12:15 p.m.

Public Comment

Andrew Roddy, 231 Kenlyn Road, had a problem with exhaust created by a fossil fuel generator to be installed behind his historical landmark residence building at 332 South County Road next to the property line. He was advised to work with Planning, Zoning & Building Assistant Director Bergman on approvals.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)**
Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below. A request for a variance and a special exception to expand a non-conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel.

Ex-parte communication was disclosed by all Council Members.

Attorney Neil Schiller spoke on behalf of the applicant and requested another deferral.

Zoning Manager Castro explained this had been deferred because they needed to come into compliance with the fire code before the Council considered any part of their zoning application.

Attorney Schiller explained the fire doors were in process of being replaced and everything should be done before March 1, 2020.

Fire Marshall Marty Deloach reported it had been 18 or 19 months since the applicant was notified of fire violations. They had one door installed by last week, which he had inspected. As of today, many of the doors were not in compliance.

Mayor Coniglio was in favor of either another deferral so that the Council is updated, or to give the applicant the opportunity to give more frequent updates.

Council President Moore favored denial of the application, because of the length of time it would take to come into compliance with the fire code, and thought they should come back every other month to give updates. Council Member Crampton agreed.

Town Attorney Randolph advised the applicant should be allowed to give his presentation. Attorney Schiller gave his presentation.

Council President Pro Tem Zeidman stated the applicant was operating with unsafe conditions with potential danger, the condo association seemed to have a problem with processing, and she did not feel like approving anything unless they were going to try to get the building safe.

Council Member Lindsay wanted the building brought up to code for the safety of residents and visitors. The Fire Marshall reported the applicant was to appear before Code Enforcement later this month.

Council Member Araskog asked the Fire Marshall if this could be a safety issue, who responded they had corrected some of the

violations, had added sprinklers, and had made the fire doors operational for separating portions of the hotel so that fire could not spread. Now gaps around the doors which would allow smoke to spread were a problem. She asked Attorney Schiller about parking and traffic. He responded only people within the building could use the gym. She commented if trainers were brought in that could cause traffic problems; and without a parking plan, safety issues, and with a new board involved, she could not approve.

Mayor Coniglio reminded the Council the only way they learned about the fire code issues was when a gym application came from the hotel, so she favored deferral.

Attorney Randolph advised they could allow the applicant to withdraw the application. He was told the applicant did not want to withdraw. Attorney Randolph advised denial would mean they could not come back for a year.

Zoning Manager Castro provided a history of the application and noted the gym had to be controlled and managed by the condo association.

Council Member Lindsay agreed with the Mayor to defer in order to get updates and also invite them to come back periodically to provide updates.

Council President Pro Tem Zeidman stated she was in favor of setting a time line, every two months for an update.

Council Member Araskog commented there was life jeopardy which she believed allowed the Council to say no to the use. Attorney Schiller stated for the record they did not wish to withdraw.

Motion was made by Council Member Araskog, and seconded by Council President Moore to deny Special Exception Z-18-00108 for the reason that the application does not meet the criteria set forth in Section 134-229; that it does not meet the following requirements: 2, 8, 11 and 14. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog to deny Variance Z-18-00108 for the reason that the granting of the variance does not meet the criteria set forth in Section 134-201(a) items 1 through 7. On roll call, the motion carried unanimously.

Discussion ensued. Town Attorney Randolph advised updates could not be required since there had been denial, but staff members could report updates to Council as needed. Attorney Schiller was asked to send email updates or come before Council if he felt it necessary.

Town Attorney Randolph stated this was now in Code Enforcement's hands.

- b. **Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Ave The application of FRO II WORTH OWNER LLC (Andrew Osborne), Applicant, relative to property located at **259 WORTH AVE**, legal description on file, is described below. Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth in Exhibit D (Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 25% maximum allowed for a third story using the Worth Avenue Design Guidelines. [Architectural Review Commission Recommendation: The project meets the Worth Avenue Design Guidelines as presented. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 6-1.]

Council President Moore pointed out the special exception and site plan review had already been approved, therefore only the variance was to be discussed.

Council Member Araskog felt Council should be able to comment on the design change in relation to the guidelines.

Attorney Maura Ziska advised that based on ARCOM's comments and Town Council's comments, very specific things had been changed in the design. Keith Spina explained ARCOM had approved the project but asked that the spa be looked at because they thought it was a little too close to the building, to show them more detail on the pergola, and show them the north elevation. Their next meeting with ARCOM was this Friday. He presented the three items to Council.

Zoning Manager Castro summarized the Council's previous actions.

Council Member Araskog noted additions were supposed to be different but subtle, and not modern; and the variance was supposed to be 3% of the building. The architect responded with how they had counted the percentage. Council Member Araskog asked about the glass wall.

Town Attorney Randolph advised Council needed to make a determination whether the changes shown were inconsistent with what they had previously approved. Discussion ensued.

Council Member Lindsay recalled Council had wanted ARCOM to deal with the variance. Zoning Manager Castro provided information on the lot coverage, which was now 27.3%. The architect was asked why they couldn't get down to 25% which was what they had been asked to do.

Mayor Coniglio stated she was in agreement with Council Member Lindsay.

Council President Pro Tem Zeidman commended the architect for several changes, and stated she would like this to come in without a variance requested.

The applicant withdrew the variance.

2. **New Business**

- a. **Z-19-00228 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Alex Chesterman, Applicant, relative to property located at **893 S COUNTY RD**, legal description on file, is described below. 1. Section 134-1759(a): A variance request to construct a tennis court and associated required perimeter fence with a 2.9 foot west side yard setback in lieu of the 15 foot minimum required. 2. Section 134-1759(0): A variance request to construct a tennis court and associated required perimeter fence with a 24.9 foot front yard setback along S. County Road in lieu of the 35 foot minimum required.

No ex-parte communication was declared.

Attorney Maura Ziska presented the project.

Zoning Manager Castro offered staff comments.

Council Member Crampton felt this would be an improvement.

Council Member Araskog asked for clarification on setbacks and

received an explanation.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman to approve Variance Z-18-00228 and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner voluntarily commits that prior to the issuance of a building permit either provide a recorded utility easement or an agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried 4-1 with Council Member Araskog opposed because of the hardship.

- b. **Z-19-00229 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Sandy Bottoms Trust (Craig Tessler, Trustee), Applicant, relative to property located at **334 AUSTRALIAN AVE**, legal description on file, is described below. 1) Section 134-949(b): Request a variance to demolish and rebuild a nonconforming proposed landmark house where demolition will exceed 50% cubic footage on a nonconforming lot which is 50 feet in width in lieu of the 75-foot width minimum required and a lot area of 6,250 square feet in lieu of the 10,000 square feet minimum required by Code. 2) Section 50-114: Request to develop the property in excess of 50% of its current value, including the raising of the entire house, such that the entire house will have an elevation of 5.50 feet NAVD in lieu of the minimum 7.0 feet NAVD required by Code. 3) Section 134- 948(5)a: Request to replace the existing porch with a front yard setback of 16 feet and add a second story with a front yard setback of 24.33 feet in lieu of the 25-foot minimum required in the R-C Zoning District. 4) Section 134-948(6)a: Request to replace the existing pool with a new pool of the same size with a west side yard setback of 8.6 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 5) Section 134-948(6)a: Request to add a covered patio to the rear of the house with a west side yard setback of 2.5 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 6) Section 134-948(6)a: Request to add a covered patio to the rear of the house with an east side yard setback of 4.4 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 7) Section 134-948(9)a: Request to rebuild a nonconforming landmarked house with lot coverage of 41% in lieu of the 30% maximum allowed in the R-C Zoning District. 8) Section 134-948(11)a: Request to rebuild a nonconforming landmarked house with landscaped open space of 42% in lieu of the 45% required in the R-C Zoning District. Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmarked property. Carried 7-0. The

Landmarks Preservation Commission approved the project at the November 20, 2019 meeting. Carried 7-0.]

No ex-parte communication was disclosed.

Attorney David E. Klein presented the requested variances on behalf of the applicant.

Council Member Araskog asked which variances would be needed other than those for the roof. Attorney Klein explained the hardships were for raising the house and the property was non-conforming in area and width.

Zoning Manager Castro reported the Landmarks Preservation Commission had approved this project and discussed the variances.

Architect Pat Seagraves reviewed the plan.

Council President Pro Tem Zeidman asked why not raise the house higher; the response was that would be too high and this height worked well with the drainage.

Mayor Coniglio commented the project was well done.

Council Member Araskog felt the height was appropriate.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman to approve Variance Z-18-00229 and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner voluntarily commits that prior to the issuance of a building permit either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion unanimously.

IX. B. 2. Time Extension Request for Construction and Permit Extension –
1230 N. Ocean Way

Clerk's note: This item was pulled from earlier in the meeting until a representative for the request could be present.

Planning, Zoning & Building Assistant Director Wayne Bergman advised several months construction time had been lost due to making corrections to building and floor heights.

Brett Elhilow, John G. Mitchell General Contractor, described the construction delays.

Council Member Araskog clarified a company hired by the owner had caused the delays.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay to approve the time extension request for 1230 North Ocean Way, and asked that updates be provided to Planning, Zoning & Building Assistant Director Bergman. On roll call, the motion unanimously.

IX. ANY OTHER MATTERS

A. Discussion Regarding Proposed Code Changes to Create “Historic Buildings”

Planning, Zoning & Building Assistant Director Bergman reported Staff was considering a new category of buildings called “Historic Buildings” and would need to determine if ordinances should be drafted to amend various chapters of the code to create the new category of buildings. The purpose was to allow buildings more than 50 years but not landmarked to enjoy the same protections under FEMA and the Florida Building Code that were available to landmarked buildings in the Town. Many buildings were torn down instead of being remodeled because of current restrictions. This could provide the mechanism to encourage property owners to keep their historic buildings and add small complementary building additions at building elevations lower than FEMA normally required, achieved through a flood variance. He proposed some possible changes to Town Code Chapters 18 and 50 and other things that would be needed

Mayor Coniglio asked who would be the presiding commission, which Mr. Bergman responded was to be determined. The Mayor indicated she was in favor of the concept, which would be voluntary.

Council Member Araskog recommended this go to the Landmarks Preservation Commission to get their recommendation and opinion. Town Attorney Randolph recommended keeping this totally separate and independent from the Landmarks Preservation Commission.

Council Member Lindsay commented other cities had this, disagreed with sending this to Landmarks, and wanted to proceed cautiously, trying a couple of homes.

Council President Pro Tem Zeidman felt this was a great idea.

Council Member Crampton indicated he would like a staff process to move forward and felt Landmarks and everyone in the community should have input. He saw the Council as the body to make final decisions.

Public Comment

Jennifer Lazzara, 272 Queens Lane, described the renovation of their historical home, and they had to have a 7-1/2-foot ceiling in the new portion

to meet FEMA's code. Chris Lazzara described their problems in designing the renovation and felt this should be moved forward quickly.

Anne Pepper, 333 Seaspray Avenue, commented Jupiter Island's loss of Wayne Bergman was the Town's gain and spoke in favor of bringing this process forward immediately.

Andrew Roddy, 231 Kenlyn Road, agreed with the proposal.

Council Member Araskog asked for clarification from Town Attorney Randolph who recommended a group meeting for input rather than sending to a specific board. She proposed including it in the February 2020 Historic Survey. Mr. Bergman commented the survey would be the easiest way to get a list of homes, then draft an ordinance.

Mayor Coniglio asked Mr. Bergman to gather needed information and move quickly but allow time to think of all the consequences. She commented this would give property owners an opportunity to voluntarily be flexible.

Council Member Lindsay wanted this to get going as soon as possible.

Bill Metzger, 277 Esplanade Way, discussed the Council meeting videos which were available for viewing, and thanked all those involved.

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of December 11, 2019 was adjourned at 3:33 p.m. without the benefit of a roll call.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

**Patricia Gayle-Gordon
Deputy Town Clerk**

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 13, 2019.

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated January 6, 2020 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of December 13, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 15, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of December 13, 2019

Date: January 6, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of December 13, 2019.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of December 13, 2019.

GENERAL INFORMATION

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

Attachment

JM:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON FRIDAY, DECEMBER 13, 2019

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

I. CALL TO ORDER

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

II. ROLL CALL

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT (left at 9:40 a.m.)

Staff Members present were:

Josh Martin, Director of Planning, Zoning and Building

Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Chair Vila led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE NOVEMBER 22, 2019 MEETING

Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the November 22, 2019 meeting. Motion carried unanimously.

V. APPROVAL OF THE AGENDA

Mr. Small requested the deferral the following projects: B-069-2019 977 S. Ocean Blvd to the January 29, 2020 meeting and B-074-2019 125 Worth Avenue to the February 26, 2020 meeting. He also requested to move B-077-2019 893 S. County Rd. to the front of the agenda.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the agenda as amended, with the deferral of B-069-2019 977 S. Ocean Blvd to the January 29, 2020 meeting, a deferral of project B-074-2019 to the February 26, 2020 meeting and to move B-077-2019 893 S. County Road to the first spot in the agenda. Motion carried unanimously.

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.

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

There were no comments heard at this time.

VIII. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**

Mr. Corey requested that the checklist is included on his mini-sets in the future.

IX. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

None

Clerk's note: This project was moved to this location in the agenda from New Business at the approval of the agenda, Item V.

B-077-2019 Tennis Court & Pavilion

Address: 893 South County Road

Applicant: Mr. Alex Chesterman

Professional: MP Design & Architecture

Project Description: New tennis court, tennis pavilion, landscape and hardscape.

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

Michael Perry, MP Design & Architecture, thanked the Commission for moving the project up in the agenda and stated that the zoning requests were approved at the December Town Council meeting. He presented the architectural plans for the proposed project.

Mr. Floersheimer inquired about the material for the tennis court. Mr. Perry replied.

Matt Jackman, Nievera Williams Design, presented the landscape and hardscape proposed for the project.

Mr. Vila inquired how the service vehicles would interact with the combined properties. Mr. Perry responded.

Mr. Corey inquired about the setback at the rear corner of the property. Mr. Perry explained the plan for the area. Mr. Corey expressed a concern for the small setback next to the neighbor. Mr. Corey inquired about the space between the house and the tennis court. A discussion ensued about the possibility of moving the tennis court to the east.

Ms. Catlin thought the plan was well thought out. She asked if the larger service vehicles would fit in the parking areas. Mr. Perry confirmed they would fit.

Mr. Corey asked if the professional would commit to moving the tennis court to the east. Mr. Perry stated he would study moving it 12 inches. Mr. Corey asked for the court to be moved five feet. Mr. Perry stated he was unable to move the court five feet to the east.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed.

B. MAJOR PROJECTS – OLD BUSINESS

B-070-2019 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) - DONE
10/30/19

Address: 259 Worth Avenue

Applicant: Fro II 259 Worth Owner LLC

Professional: Keith Spina (Glidden Spina)

Project Description: Convert existing 2nd floor retail space to residential, and add 3rd floor residential unit to existing 2-story building.

At the October 30, 2019 meeting, the project was found to meet the Worth Avenue Design Guidelines, and was approved with the following items to return to the Commission at the November 22, 2019 meeting: a restudy of the pool area, the beautification of the north façade and a different option for the pergola on the third floor. At the November 22, 2019 ARCOM meeting, the Commission approved the applicant's request to defer the remaining items until the December 13, 2019 meeting.

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

Maura Ziska, attorney for the applicant, stated the variance request had been withdrawn at Town Council.

Mr. Spina presented the architectural modifications proposed for the new residential space, which included the spa, the pergola and the north elevation. He showed an alternate rendering on the overhead projector.

Dustin Mizell, Environment Design Group, discussed the landscaping proposed for the north elevation.

Mr. Vila inquired if Mr. Mizell considered Bougainvillea for the North Wall. Mr. Mizell responded.

Mr. Small thought the north elevation improvements were nice. Mr. Small stated he could not support the roof top development and discussed his reasons. He thought this would set his precedent for other buildings on the street.

Mr. Ives disagreed with Mr. Small and discussed the mixed use spaces that currently exist on Worth Avenue. Mr. Ives inquired about the fire pit design. Mr. Spina responded. Mr. Ives thought the project was good and overall beneficial to the area.

Mr. Garrison agreed with Mr. Ives. He inquired about the lawn material. Mr. Spina responded. Mr. Garrison thought the removal of the ceiling of the pergola was not necessary and thought this change proved the issues with the Town's Code.

Mr. Corey was in favor of the spa changes. He inquired how the Commission could approve landscaping on another owner's property. Mr. Spina responded. Mr. Corey inquired about the maintenance of the lawn on the roof. Mr. Spina responded. A discussion ensued about the changes with the pergola. Mr. Corey thought a mockup of the roof top space would be beneficial. Mr. Corey also suggested changing the pergola design to align more with the architecture of the building.

Ms. Shiverick thought it was disappointing the pergola feature could not have a roof or wood slats as it would make the sitting area more comfortable. She inquired if an espalier was possible on the north elevation. Mr. Mizell stated he could consider that as an option.

Ms. Catlin indicated that mixed use was a trend in the country. And while she is in favor with the trend, she thought the structures on the third floor were stiff and was too much development for the roof. She thought the north elevation was nice. She inquired about the maintenance of the third floor landscaping.

Mr. Martin stated the Commission's charge was to determine whether the changes met the Worth Avenue Guidelines.

Ms. Grace stated she did not receive the Worth Avenue Guidelines. Mr. Martin stated that the guidelines were sent out by John Lindgren. Ms. Grace asked to see the new structure from the street. She thought turning unused retail space to residential was a good idea. However, she thought the third floor should be more attractive and open. Mr. Spina showed the sightlines from Worth Avenue.

Mr. Zukov thought the professional did a wonderful job. He expressed concern about the open pergola. Mr. Spina responded and explained his intent. A discussion ensued about the open pergola.

Mr. Vila thought that the third floor would be mostly unseen. His only criticism was with the landscape plan and expressed concern with the ability to maintain the grass. Overall, he supported the project. Mr. Spina added that the third floor may change once the unit was purchased by an owner.

Mr. Corey inquired staff if the Commission could ask for a mockup. Mr. Martin stated he did not know of any Code provisions that prevented the Commission from asking for a mockup. Mr. Corey expressed concern for three of the Worth Avenue Guidelines that he believed were not being met in the current design.

Mr. Garrison thought an important part of the project was the improvement on the north elevation. Mr. Garrison was in favor of keeping the pergola rather than using umbrellas.

Mr. Ives thought to keep revisiting items in the plan that had been approved was unfair to the applicant. He also thought that a mock up would be an undue burden.

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

Mr. Corey inquired about the utility pole. Mr. Spina stated the electric would be undergrounded.

Motion carried 4-3, with Ms. Grace and Messrs. Corey and Small.

Clerk's note: A break was taken at 10:10 a.m. The meeting resumed at 10:27 a.m.

B-052-2019 Demolition/New Construction

Address: 405 N. Lake Way

Applicant: Mary E. Curran

Professional: Anthony A. Harrington

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

A motion carried at the August meeting to approve the demolition with conditions. A second motion carried to defer the project for one month to September 25, 2019 so that the professional could address the comments made by the Commission. Because of the storm experienced in the area, the applicant was granted a deferral until the October 30, 2019 meeting to allow the applicant sufficient time to make the necessary revisions. At the October 30, 2019 meeting, the project was deferred to the November 22, 2019 meeting with direction to restudy all of the comments made by the Commissioners, specifically the roof, main entrance, the front door and the doors on the west elevation. At the November 22, 2019 meeting, the

project was deferred by the Commission at the request of the applicant until December 13, 2019.

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

Mr. Harrington presented the architectural modifications proposed for the new residence.

Adam Mills, Environment Design Group, reviewed the minor landscape changes.

Mr. Vila thought the changes were positive and thought the house had a nice feel.

Motion made by Ms. Grace and seconded by Mr. Corey to approve the project as presented. Motion carried 6-1, with Mr. Ives opposed.

B-062-2019 New Construction

Address: 133 Gulfstream Road

Applicant: ANERO LLC

Professional: Gregory Bonner, AIA/B1 Architect

Project Description: Construction of a new one-story 3,000 square-foot residence with pool, landscape and hardscape.

At the October 30, 2019 meeting, the project was deferred to the December 13, 2019 with direction to restudy the project per the comments made at the meeting.

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

Mr. Bonner presented the architectural modifications proposed for the new residence.

Carol Perez, AGT Land, presented the landscape and hardscape modifications for the new residence.

Mr. Ives thought the reconfiguration of the design was smart. However, he still did not find it compatible with the area. He expressed concern with the materials proposed, the flow and footprint of the design for the area.

Ms. Shiverick disagreed with Mr. Ives and thought there were other comparable homes in the area. She thought the home was unassuming and had a quaint residential feel. She added that she supported the movable teak panel. She was in favor of the design.

Ms. Grace was in favor of the changes made to the proposed home. However, she questioned whether the design style fit in to the area. She thought either the Mediterranean or Bermudian style could be more appropriate.

Mr. Garrison advocated for the appropriateness of the house on the street, especially since it was a small, one-story home.

Ms. Catlin was in favor of the home. She pointed out that while it was a different style in the middle of the block, she thought it was still a good fit.

Mr. Corey thought that the design of the home did not fit with the existing character of the street.

Mr. Vila agreed with Ms. Shiverick and thought the changes were successful. He stated he would support the project.

Mr. Ives thought some restudy would be beneficial.

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

B-069-2019 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 977 South Ocean Boulevard

Applicant: 195 PHESTEN ASSOCIATES, LLC (RUSTY & ASHLEY HOLZER)

Professional: Studio SR Architecture

Project Description: Demolition of existing 1-story wood frame house, and construction of a contemporary 1 & 2-story residence.

ZONING INFORMATION: A request for Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two-story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district (Section 134-840 & 134-893(c)). The following variances are also being requested:

1. Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35-foot minimum required in the R-A Zoning District.
2. Section 134-843(a)(5) and (9): A request for a variance to allow the proposed residence to have a rear setback of 9 feet in lieu of the 15 foot minimum required in the R-A Zoning District which includes the balconies which extend 3 feet from the building in lieu of the 2' foot maximum allowed.
3. Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District.
4. Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District.
5. Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District.

6. Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house.

At the October 30, 2019 ARCOM meeting the demolition of the existing home was approved; however, the proposed new home was deferred to the December 13, 2019 meeting with direction to restudy the project per the comments made by the Commission members.

Clerk's note: The project was deferred to the January 29, 2020 meeting at the Approval of the Agenda, Item V.

C. MAJOR PROJECTS – NEW BUSINESS

B-073-2019 New Construction

Address: 525 North County Road

Applicant: Mr. & Mrs. Christopher Flowers

Professional: Jeffery Smith, Smith Architectural Group

Project Description: Construction of a new tow-story French style house with one-story guest wing, guesthouse and gatehouse. Final landscape, hardscape and drainage included.

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

Mr. Smith presented the architectural plans for the proposed new residence.

Mr. Vila inquired if there were any other French homes in the area. Mr. Smith responded.

Ms. Grace questioned the size of the home in relation to the size of the property. Mr. Smith responded.

Mr. Corey thought the detailing and materials were extraordinary. He questioned whether the home had a third story. Mr. Smith responded. Mr. Corey wondered if the ceiling heights were appropriate. Mr. Corey also suggested that the massing of the main home should be reduced on the sides to allow more light to get in to the middle of the home. Mr. Corey questioned whether the home should be moved west on the lot, to allow more room in front of the ocean.

Mr. Garrison thought the design was extremely well executed. He thought the home would be a great addition to the neighborhood.

Ms. Catlin thought the design was beautiful. After driving around the area, she stated her concerns were quashed. She thought the gatehouse could use some landscaping in the front to soften the entrance.

Mr. Ives thought the design had a flow, sense of arrival and was well thought out. Mr. Ives inquired about the gatehouse height.

Mr. Small thought the design was majestic. He questioned whether the gatehouse was overwhelming. Mr. Smith further explained the design and height of the gatehouse.

Mr. Vila was in favor of the design.

Jorge Sanchez, SMI Landscaping, presented the landscape and hardscape plans for the new residence. He showed alternate renderings on the overhead projector. Mr. Vila inquired about the pattern layout on the plans. Mr. Sanchez further explained the plans.

Mr. Corey inquired about landscape to soften the view to the neighbor. Mr. Sanchez responded. Mr. Corey questioned the lack of hierarchy in the two driveways. Mr. Corey inquired if the professional would choose a different species other than Ficus Nitida. Mr. Sanchez responded and stated he thought that Ficus Nitida was acceptable.

Ms. Catlin asked that there are some plantings added to soften the gatehouse. She asked the professional to return with a different option. Mr. Sanchez stated that the landscaping is in line with the architecture.

Ms. Shiverick was in favor of the landscaping plan. However, she understood Ms. Catlin's point about the landscaping in front of the gatehouse.

Ms. Grace agreed with Mr. Corey's point about the hierarchy of the buildings and suggested that the gatehouse should be reduced.

A discussion ensued about the possibility of adding landscaping in front of the guesthouse.

Motion made by Mr. Small and seconded by Mr. Zukov that the proposed project at 525 N. County Road has met the conditions listed in Sec. 18-205 of the Town's Code of Ordinances, and to approve the project as presented with the condition that the professional gives consideration to moving the gatehouse to the east.

A discussion ensued about the motion.

Mr. Small withdrew the motion.

Motion made by Mr. Garrison and seconded by Ms. Grace that the proposed project at 525 N. County Road has met the conditions listed in Sec. 18-205 of the Town's Code of Ordinances, and to approve the project as presented with the caveat that the Ficus Nitida is replaced with another material.

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

Motion carried 5-2, with Messrs. Ives and Corey opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

B-074-2019 Additions & Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 125 Worth Avenue

Applicant: 125 Worth Partners LLC

Professional: Jose Luis Gonzalez Perotti

Project Description: The project consists of the façade renovation and addition to an existing four-story 1970's building. The fourth-floor structure will be removed and replaced with four new luxury residential apartments, and trellis gardens. The façade will be renovated with new architectural screens, white brick veneer and exposed concrete accents that will enhance the aesthetic of the building for its users and pedestrians alike. The addition component consists of a new one-story commercial structure with a roof top trellised courtyard and a two-story elevator tower.

ZONING INFORMATION: A request for Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project:

1. Per Section 134-1163(8)b., a special exception for a two-story and fourth-story addition. The existing building is four stories but it is being expanded.
2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis.
3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53 feet in lieu of the 49 feet 2 inches existing and the 25-foot maximum allowed by code.
4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63 feet 4 inches in lieu of the 53 feet 8 inches existing and the 35-foot maximum allowed by current code.
5. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing air-conditioned floor area of the fourth story to 13,212.9 square-feet from 3,448.75 square-feet existing. An open fourth story trellis of 5,433 square-feet is also proposed in this application and included in the calculation of lot

coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 square-feet in addition to the existing air-conditioned floor area on the fourth story of the building.

6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1-foot 1 inch for portions of the building in lieu of the 5 feet existing and the 5 feet minimum required on the private property. The sidewalk is required to be a minimum of 10 feet wide and this proposal is a minimum of 8 feet 2 inches in the area where the sidewalk is only 1 foot 1 inch wide on private property.
7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable.
8. Per Section 134-1163(9)b., variance for lot coverage of 66% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story.
9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.

Clerk's note: The project was deferred to the February 26, 2020 meeting at the Approval of the Agenda, Item V.

B-075-2019 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 120 Algoma Road

Applicant: M. Weldon Rogers

Professional: Richard F. Sammons/Fairfax, Sammons and Partners

Project Description: Construction of a new two-story residence (6,399 total square feet that includes 5 bedrooms, 5.5 baths & a 192 square-foot pergola) in the Anglo-Caribbean style. Landscape & hardscape improvements included.

ZONING INFORMATION: A request for Special Exception with Site Plan Review to allow the construction of a 6,207 square-foot new residence with a 192 square-foot pergola on an unplatted non-conforming lot of 15,273 square-feet in lieu of the minimum 20,000 square feet required in the R-A zoning district (Section 134-843(a) and (b)).

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

Mr. Sammons presented the architectural plans proposed for the new residence.

Mr. Vila inquired about the proposed roof. Mr. Sammons discussed the design and material to be used for the roof.

Matt Jackman, Nievera Williams Design, presented the landscape and hardscape plans for the new residence.

Mr. Ives thought that the design was good and was in support of the project.

Mr. Corey thought the design worked well for the area. He questioned the professional about the roof design. Mr. Sammons responded. Mr. Corey suggested exposing the beam on the front porch.

Ms. Grace inquired about the colors of the house. Mr. Sammons stated that the colors are the preference of the clients. Ms. Grace inquired if the grass would be natural grass. Mr. Jackman stated that the grass will be natural.

Mr. Garrison inquired about the fence during construction. Mr. Jackman stated it would be mesh. Mr. Garrison implored the professionals to be mindful of the neighbors and traffic during construction.

Mr. Small agreed with his fellow Commissioners and thought the home would enhance the beauty of the street.

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

Mr. Vila stated he supported the project.

Motion made by Mr. Garrison and seconded by Mr. Ives that implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Small and seconded by Mr. Ives that the proposed project at 120 Algoma Road has met the conditions listed in Sec. 18-205 of the Town's Code of Ordinances, and to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

B-076-2019 Additions & Modifications

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 1305 North Ocean Way

Applicant: 1305 N Ocean Way LLC

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Approximately 700 square-foot master bedroom second-story addition and 200 square-foot first floor loggia. Some fenestration changes. Final landscape and hardscape to be included. All other associated changes.

ZONING INFORMATION: A request for variance approval to construct a 700 square-foot second floor addition on the northeast side of the existing house with a side yard setback of 13.58 feet in lieu of the 15 feet minimum required.

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

M. Timothy Hanlon, attorney for the applicant, explained the zoning request and advocated for a positive recommendation to the Town Council.

Mr. Segraves provided an overview and intent of the project.

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the additions to the existing residence.

Ms. Grace thought the addition was successful.

Ms. Shiverick thought the roof on the addition looked heavy and thought a different solution was needed.

Mr. Ives agreed with Ms. Shiverick and thought other options should be considered.

Mr. Corey recommended a different roof system on the third level to save the current design.

Mr. Vila stated he could not support the roof as proposed.

Motion made by Mr. Corey and seconded by Mr. Small to defer the project for one month, to the January 29, 2020 meeting, for restudy. Motion carried 6-1, with Ms. Grace opposed.

D. MINOR PROJECTS – OLD BUSINESS

None

E. MINOR PROJECTS – NEW BUSINESS

A-031-2019 Signage

Address: 221-231 Royal Poinciana Way & 216 Sunset Avenue

Applicant: Flagler Holdings North Carolina, Inc.

Professional: RGE Associates/Breakers

Project Description: Plaza directional and wayfinding signage for Via Flagler at The Breakers, including building signage for building 3 restaurant.

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

Dave Renna with The Breakers, provided an overview of the project and introduced the designer for the project.

Rebecca Porter, RGE Associates, Inc., presented the proposed building signage.

Mr. Vila inquired about the lighting for one of the signs. Ms. Porter responded and explained the design.

Mr. Corey inquired about the color of the proposed lighting and recommended using a warmer color. Ms. Porter agreed. Mr. Corey inquired about the bracket

design and how they would be attached to the walls. Ms. Porter explained the design.

Ms. Catlin questioned the use of vinyl in the signage. Ms. Porter described some alternatives to the vinyl. She thought that the arched sign on building 6 detracted from the architectural arch. Ms. Catlin inquired if the lighting direction could be changed on the restaurant signage.

Mr. Garrison questioned if any thought had been given to lighting each letter on the restaurant signage. Ms. Porter responded.

Mr. Vila stated that so much detailing that had been given to the rest of the project, he questioned the proposed signage and materials. He stated he could not support any part of the proposal.

Ms. Grace inquired if wood and wrought iron could be used rather than the proposed. Ms. Porter responded.

Mr. Vila recommended using all natural projects for the signage.

Ms. Shiverick questioned the number of signs proposed with the same name.

Mr. Zukov thought the signage needed to be more imaginative.

Mr. Ives agreed with Ms. Shiverick and questioned the need for the number of signs that showed the same name.

Motion made by Mr. Ives and seconded by Mr. Small to defer the project for one month, to the January 29, 2020 meeting, for restudy. Motion carried unanimously.

Paul Leone, CEO of The Breakers, explained the need for the Via Flagler signage. He stated he would be happy to restudy the materials to be used in the signage.

A discussion ensued about the signage proposed with Mr. Leone and the Commissioners.

A-032-2019 Additions & Modifications

Address: 350 Seaspray Avenue

Applicant: 350 Seaspray Ave LLC

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Existing house renovation. Changing first floor roof entry and addition of rear balcony.

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

Mr. Segraves presented the modifications proposed for the existing residence. He presented materials to be used in the renovations.

Mr. Corey the changes were good. He recommended using square columns rather than the tapered columns.

Ms. Grace thought a wood shingle roof would be more in keeping than the terracotta roof proposed.

Ms. Shiverick inquired about the material of the columns proposed. Mr. Segraves responded.

Mr. Vila agreed with Ms. Grace's suggestion for the roof.

A discussion ensued regarding the roof material.

Motion made by Mr. Corey and seconded by Mr. Small to approve the project as presented with the caveat that columns on the lower porch are changed to a 12" square column and an 8" square column is used on the upper balcony. Motion carried unanimously.

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

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

A-033-2019 Statue with Lighting

Address: 1960 South Ocean Boulevard

Applicant: 1960, LLC

Professional: Daniel Downey Architect

Project Description: To install a stature of a horse 8'-0" and 9'-0" long on the east lawn 35 feet behind the existing east property line.

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

Mr. Downey presented the proposed statue.

Mr. Vila asked about the consideration for the placement of the statue. Mr. Downey responded.

Mr. Ives stated he was not comfortable with the size of the statue and would not support the project.

Ms. Catlin thought that the view of the horse above the wall would be significant, especially with the lighting. Mr. Downey responded.

Ms. Shiverick thought the horse would appear too tall over the wall and suggested placing the statue in the rear of the yard.

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

Motion made by Mr. Corey and seconded by Mr. Small to defer the project for one month, to the January 29, 2020 meeting, to restudy the placement of the statue. Motion carried 6-1, with Mr. Ives opposed.

X. **ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

Mr. Sammons raised an issue with the mansard roof presented during an earlier project. Mr. Vila asked Mr. Martin to research the issue raised.

XI. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Vila wished Mr. Lindgren for his many years of service with the Commission and wished him well in his new position.

The Commission discussed the possibility of asking the professionals to construct mockups of their projects.

XII. **ADJOURNMENT**

Motion made by Mr Garrison and seconded by Mr. Small to adjourn the meeting at 1:18 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, January 29, 2020 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 01-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Creating A Town Of Palm Beach 2020 Census “Complete Count Committee”.

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated December 18, 2019, from Wayne Bergman, Assistant Director of Planning, Zoning and Building**
- ▣ **2020 Census Complete Count Committee Guide**
- ▣ **Resolution No. 01-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: 2020 Census – Complete Count Committee – Resolution 01-2020

Date: December 18, 2019

Subject Matter:

Census Complete Count Committees (“CCC”) are created by local, county and state governments in collaboration with community groups and their members to encourage response to the decennial census in their communities. The CCC develops and implements an awareness campaign using invaluable local community knowledge and understanding the best methods to reach community members in order to encourage response to the Census. Census Day 2020 is April 1 and now is the time to officially form a committee. There is a direct correlation between the formation of a CCC and census response rates. The primary goal of the 2020 Census is “to count everyone once, only one, and in the right place”. CCCs create relevant campaigns and messaging that resonate with their community members.

The Town of Palm Beach plans to form its own CCC, utilizing resources such as faith based organizations, business associations, property owner associations, country clubs and resorts, schools, media, and Town staff and resources to help spread the word about the importance of responding to Census 2020. Getting a full and accurate count of the number of people living in Palm Beach on April 1st will ensure the Town gets its fair share of more than \$675 Billion of annual Federal funding.

With the adoption of Resolution 01-2020, the Town can create and invite community members to participate in the CCC. The first meeting will be coordinated with Sandy Goodman, the US Census Liaison for the Town of Palm Beach, hopefully by the end of January, 2020. Sandy has been working tirelessly over the last year working with local communities in an effort to get everyone counted in the 2020 Census. Sandy brings with him a wealth of tools and strategies to engage the community and spread the word.

Staff Recommendation:

Staff recommends the adoption of Resolution 01-2020. This will allow the Town staff to invite numerous members from the local community to participate in the CCC and to help contact residents about the importance of the upcoming Census.

2020 Census Complete Count Committee

Guide

D-1280(RV)



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Bureau

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Census
2020

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WHY DO WE TAKE THE CENSUS?

The U.S. Constitution (Article I, Section 2) mandates a headcount every 10 years of everyone residing in the 50 states, Puerto Rico, and the Island Areas of the United States. This includes people of all ages, races, ethnic groups, citizens, and noncitizens. The first census was conducted in 1790 and one has been conducted every 10 years since then.

The population totals from the census determine the number of seats each state has in the House of Representatives. States also use the totals to redraw their legislative and school districts. The next census occurs in 2020.

The U.S. Census Bureau must submit state population totals to the President of the United States by December 31, 2020.

The population totals also affect funding in your community, and data collected in the census help decision makers know how your community is changing. Approximately \$675 billion in federal funding is distributed to communities each year.

Will the 2020 Census be the same as 2010?

There are some important changes in 2020:

- We are building a more accurate address list and automating our field operations—all while keeping your information confidential and safe.
- For the first time, you will be able to respond online, by phone, or by mail.
- We will use data that the public has already provided to cut down on in-person follow up visits to nonresponding households.



HOW ARE CENSUS DATA USED?

Census data are widely and wisely used.

Census data are used in many ways. Some examples include:

- Distribution of more than \$675 billion annually in federal funds back to tribal, state, and local governments.
- Redistricting of state legislative districts.
- Forecasting future transportation needs for all segments of the population.
- Determining areas eligible for housing assistance and rehabilitation loans.
- Assisting federal, tribal, state, and local governments in planning and implementing programs, services, and emergency response.
- Designing facilities for people with disabilities, the elderly, and children.



ARE CENSUS DATA REALLY CONFIDENTIAL?

ABSOLUTELY!

All responses to Census Bureau surveys and censuses are confidential and protected under Title 13 of the U.S. Code. Under this law, the Census Bureau is required to keep respondent information confidential. We will never share a respondent's personal information with immigration enforcement agencies, like ICE; law enforcement agencies, like the FBI or police; or allow it to be used to determine their eligibility for government benefits. The results from any census or survey are reported in statistical format only.

Individual records from the decennial censuses are, by law (Title 44, U.S. Code), confidential for 72 years.

In addition, under Title 13, U.S. Code, all Census Bureau employees swear a lifetime oath to protect respondent data. It is a felony for any Census Bureau employee to disclose any confidential census information during or after employment, and the penalty for wrongful disclosure is up to 5 years imprisonment and/or a fine of \$250,000.



WHAT ARE COMPLETE COUNT COMMITTEES?

Complete Count Committees

Complete Count Committees (CCC) are volunteer committees established by tribal, state, and local governments and community leaders or organizations to increase awareness and motivate residents to respond to the 2020 Census. CCCs serve as state and local “census ambassador” groups that play an integral part in ensuring a complete and accurate count of the community in the 2020 Census. Success of the census depends on community involvement at every level. The U.S. Census Bureau cannot conduct the 2020 Census alone.

There are three kinds of Complete Count Committees (other than the State Level CCC):

- Tribal.
- State and local government (regional, county, city, or town).
- Community.

A Complete Count Committee should be formed to:

- Increase the self-response rate for households responding online, by phone, or mailing back their questionnaire through a focused, structured, neighbor-to-neighbor program.
- Utilize the local knowledge, expertise, and influence of each Complete Count Committee member to design and implement a census awareness campaign targeted to the community.
- Bring together a cross section of community members whose focus is 2020 Census awareness.

Let's take a look at these and review the differences between the common types and sizes.

Tribal and Government Complete Count Committees

Complete Count Committees are usually formed by the highest elected official in that jurisdiction, such as a tribal leader, a mayor, county commissioner, or regional chairman. The highest elected official may appoint a chair of the CCC and may then appoint members of the community to serve as members of the CCC. Members appointed could be representative of a cross section of the community, be willing and able to serve until the census is over, and help implement a creative outreach campaign in areas that may pose a challenge in 2020. Members could include persons from the areas of education, media, business, religion, philanthropy, and community groups. Most local government CCCs are small to medium size, depending on the jurisdiction. A town may have a small committee with only 3–5 members, while a city may be medium to large size with anywhere from 10 to more than 100 members, depending the size of the city or tribe.

Since state, county, and regional CCCs cover a larger geography, they tend to be larger in size, with 20–50 members. The size and number of members depends on what works best for each jurisdiction and what will make the most effective and successful

committee. Mayors, county commissioners, and heads of regional boards understand the importance of getting a complete and accurate census count and how census data impact their communities. In previous censuses, the most productive government CCCs had a subcommittee structure. Examples of subcommittees and what they do are covered under “What Is the Subcommittee Structure of a CCC?”

Examples of Tribal and Government Complete Count Committee Strategies

Nationwide, there were over 10,000 Complete Count Committees formed with the Census Bureau during the 2010 Census and the majority of them were local government committees. Here are some of the strategies that worked for them:

- Allocate/obtain funds for the CCC and assign a staff person to work with the committee.
- Set clear, achievable goals and objectives.
- Identify areas of the community that may need extra efforts, either a geographical area or a population group that might be hard to count.
- Use a “grassroots” approach working with community-based organizations and groups who have direct contact with households who may be hard to count.
- Create promotional materials and products customized for the local area.
- Implement special events such as Census Day “Be Counted” parades.
- Build awareness of the census and its benefits and motivate response through social media, newsletters, and other communications.

Sample Activities of Tribal and Government Complete Count Committees

2018–2019

- Develop a list of barriers, groups, or concerns that might impede the progress of the 2020 Census in your local area, such as recent immigrants, non-English speaking groups, high crime areas, and areas with gated communities.
- Create ways to dispel myths and alleviate fears about the privacy and confidentiality of census data.

- Place census messages on water bills, property tax bills, social media, and local speeches and other correspondence generated by the jurisdiction.
- Host a Census Solutions Workshop (see Appendix C) with others in the community.
- Develop and implement activities to involve local government employees in the 2020 Census Awareness Campaign.
- Encourage corporations to become official sponsors of your census activities.
- Have census posters, banners, and other signage placed in highly visible public locations.
- Include the 2020 Census logo and message on bus schedules, brochures, newsletters, social media sites, and your local jurisdiction Web site.
- Sponsor a census booth at county fairs, carnivals, and festivals (especially cultural or ethnic celebrations).
- Sponsor a contest to design a sticker or poster promoting the 2020 Census.
- Have census information available during voter registration drives.

January–March 2020

- Add a census message during meetings, events, and to written or digital/electronic correspondence like social media.
- Provide information on federally funded programs that have benefitted the community.
- Plan a major promotional event around the start of self-response or when households get their invitation to respond. Advise communities that they can respond to the census online.
- Saturate public access areas with easy-to-read and understandable census information customized for your community.
- Ask elected officials to encourage households to complete the census online, by phone, or return the questionnaire by mail.

- Place a census message on all municipal marquees urging households to complete the questionnaire online, by phone, or by mail.

April 2020

- Place public service announcements in local media encouraging households to respond.
- Have census rallies or parades.
- Urge households who do not respond to cooperate with census takers.

Community Complete Count Committees

Community Complete Count Committees are often formed in areas that do not have a government CCC or areas that may require a more targeted outreach approach. Community CCCs may be formed by a community group/organization or a coalition of several organizations. For example, an organization in a predominately elderly community may want to form a CCC in order to build awareness among that population and encourage them to respond when the invitations to respond are delivered. A tenants' association may form a committee to educate tenants about the census and help those needing assistance in completing their census. Community CCCs identify their own chair and committee members. They may choose individuals who are influential leaders or gatekeepers in the community to serve as members or others that will help accomplish the goals of the committee. They may also include foundations or philanthropy groups to fund the committee's activities around a particular audience. Community CCCs are usually small to medium in size with anywhere from 5 to 25 members depending on the sponsoring organization(s) and the size of the community it represents.

Small committees may not need subcommittees, however larger committees may find this structure helps them focus and work more effectively.

Examples of Community Complete Count Committee Strategies

A number of organizations formed Community CCCs in previous censuses. Some examples of these organizations are Community Action Groups, Hispanic Service Center, Delta Sigma Theta Sorority, and Human Development Commission.

Here are some suggestions that worked for them:

- Set clear achievable goals and objectives.
- Identify what the committee will focus on. Some examples include increasing the response rate in public housing communities among cultural/ethnic groups in your area or among students in colleges/universities, outreach and promotion to youth and elderly in the community, or a global approach if no other CCCs are in the area.
- Develop an action plan that includes activities and events which will support your efforts and help you meet your goals and objectives.
- Create promotional materials that appeal to your community.
- Implement special events that will generate interest and participation in the census.
- Use social media to engage your community.

Sample Activities of Community Complete Count Committees

2018-2019

- Make a list of community-based organizations in your area. Hold a meeting with leaders of the organizations and solicit their help in creating a census awareness campaign targeted to community members.
- Host a Census Solutions Workshop with other community-based organizations in your area to come up with innovative and engaging ways to reach your communities.
- Check the community calendar in your area for events. Contact organizations to see if you can have a census table to pass out census materials to increase awareness.
- Plan and solicit sponsors for a "Census Day/Night Street Festival" in late 2019. Think of creative games or activities where census information can be incorporated.

- Develop a 2019 Census Activity Calendar, ask organizations to choose a month in which they will sponsor census activities or promote census awareness.
- Ask organizations to include a census article or message in all of their publications and social media channels from April 2019 to July 2020.

January-March 2020

- Encourage organizations to include 2020 Census on the agenda of their meetings, workshops, or conferences.
- Distribute/post on social media fliers announcing the invitation to respond to the census at busy locations in the community.
- Make public statements of support and the importance of participating in the 2020 Census.

April 2020

- Encourage households to complete the questionnaire online, by phone, or by mail.
- Plan a Census Day event to motivate the community response.
- Look online or check with your census contact person about response rates for your community. If rates are low, plan special events or activities to motivate individuals to respond.
- Remind households if they didn't respond online, by phone, or mail their questionnaire back, a census worker may come to their home. Encourage households to cooperate with census workers.

May 2020

- Continue to encourage community individuals to cooperate with census workers.
- Evaluate what worked best for your community and briefly report this information to your census contact.
- Celebrate your success and thank all those involved in making it happen.



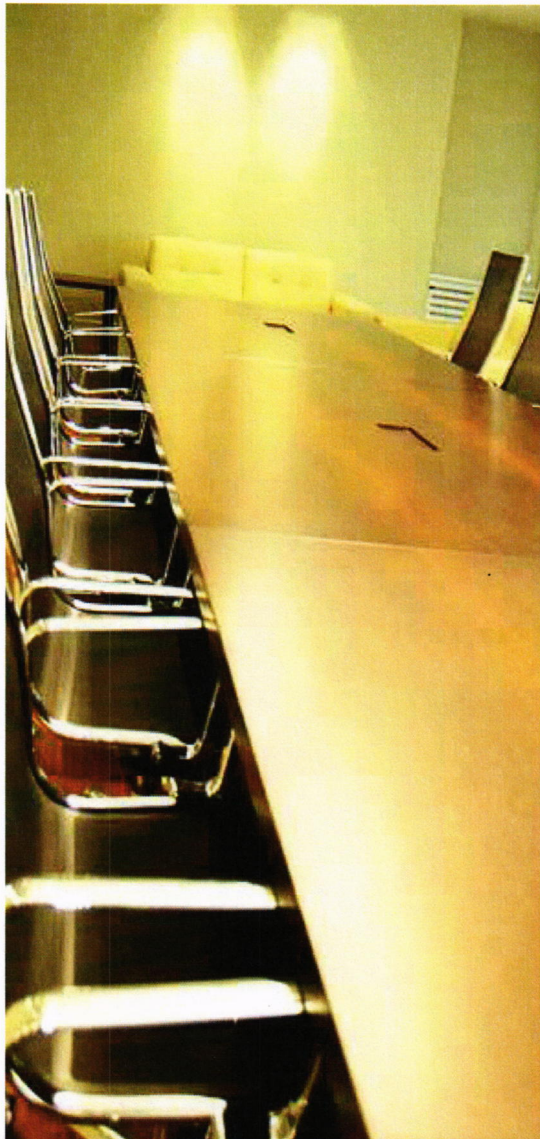
WHEN SHOULD A COMPLETE COUNT COMMITTEE ORGANIZE?

Get Organized RIGHT NOW!

Although the 2020 Census may seem a ways off, the census awareness campaign should start TODAY. The 2020 Census jobs are being advertised. Households will begin to experience, by the end of 2019, some type of census operation such as address listing. These operations are necessary to verify the accuracy and location of each address in the United States.

The immediate formation of a CCC will ensure that local households are kept abreast of the various census operations before the information is nationally circulated.

The more informed households are about the 2020 Census operations, the better their understanding of the census process becomes, thus increasing their willingness to be a part of the successful enumeration in 2020.



WHAT IS THE SUBCOMMITTEE STRUCTURE OF A CCC?

The Structure

The Census Bureau partnership staff will serve as a liaison or an informational resource.

The operation of the CCC flows from the tribal leader or highest elected official or community leader to the chairperson, the committee members, and/or to the community at large.

The tribal leader or highest elected official or community leader appoints a chairperson. The chairperson is the liaison or main source of contact between the CCC and the Census Bureau.

The chairperson collaborates with the highest elected official or community leader to select subcommittee chairs.

The CCC should involve every aspect of a local community in its subcommittee structure—government, education, faith-based organizations, media, community-based organizations, business, foundations or other philanthropic organizations, and recruiting. **The Census Bureau does not manage Complete Count Committees.**

The following are examples of a typical subcommittee structure. Other subcommittees may be formed based on the focus of the CCC or the needs of the community. Examples of other subcommittee topics are migrant and seasonal farmworkers, children/youth services, immigrants, senior services, and the disabled community.

The subcommittee chairpersons may recruit members for their respective teams. The ideal candidates for a Complete Count Committee are those community members who have

expertise, influence, and experience in the area of the respective committee. Committees that invest time, resources, and energy in this project are more productive and successful.

Recruiting subcommittee—Disseminates information about census job openings for the 2020 Census. Information will include the number of jobs available and types of jobs available.

Government subcommittee—Assists in all activities between the Census Bureau and the local government, such as participation in decennial geography programs and identifying other resources for CCC activities.

Education subcommittee—Facilitates census awareness for local schools from prekindergarten through twelfth grade, as well as postsecondary education institutions in the area. May also encourage school administrators, teachers, and students to use Statistics in Schools materials.

Faith-based subcommittee—Creates and coordinates activities and materials that can be

used by any local faith-based institution in the promotion of the 2020 Census awareness and participation.

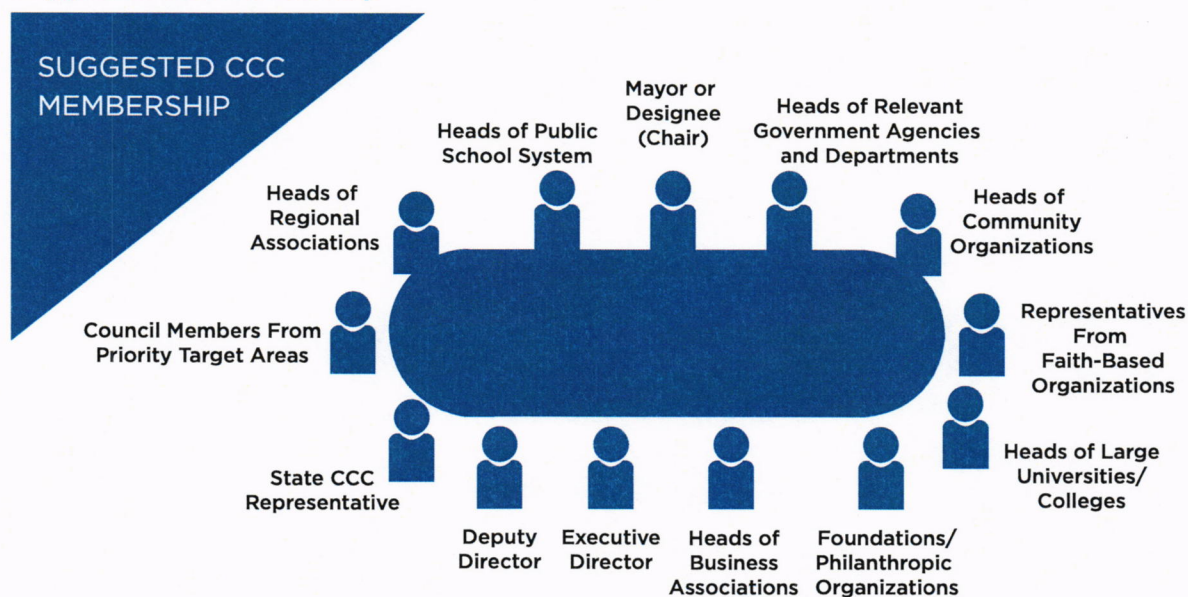
Media subcommittee—Facilitates ways to get the census message to all community households, using all available sources such as local newspapers, newsletters, fliers, local festivals, billboards, social media, radio, and television.

Community-based organizations subcommittee—Collaborates with community organizations to inform individuals of the importance of participating in the 2020 Census and the benefits derived from census data.

Business subcommittee—Creates and coordinates activities that involve businesses in census awareness, such as distribution of census information and census messages on packaging (grocery bags) and the inclusion of the census logo and message on sales promotion materials.

Figure 1.

Suggested CCC Membership



*Partnership Specialist is advisor and Census Bureau liaison to Municipal CCCs



SUMMARY: THE BENEFITS OF COMPLETE COUNT COMMITTEES

CCCs speak the language of and know the pulse of its community, therefore establishing an information highway that even the internet cannot rival—neighbor informing neighbor.

The CCCs will help ensure an accurate 2020 Census count.

The CCCs gain valuable knowledge about the census process at the local level and develop a plan to impart that knowledge to each and every household as only neighbors and fellow stakeholders can do.

The CCCs help maximize participation and response rates by increasing awareness throughout the 2020 Census.

APPENDIX A:

50 WAYS CENSUS DATA ARE USED

- Decision making at all levels of government.
- Drawing federal, state, and local legislative districts.
- Attracting new businesses to state and local areas.
- Distributing over \$675 billion annually in federal funds and even more in state funds.
- Forecasting future transportation needs for all segments of the population.
- Planning for hospitals, nursing homes, clinics, and the location of other health services.
- Forecasting future housing needs for all segments of the population.
- Directing funds for services for people in poverty.
- Designing public safety strategies.
- Development of rural areas.
- Analyzing local trends.
- Estimating the number of people displaced by natural disasters.
- Developing assistance programs for American Indians and Alaska Natives.
- Creating maps to speed emergency services to households in need of assistance.
- Delivering goods and services to local markets.
- Designing facilities for people with disabilities, the elderly, or children.
- Planning future government services.
- Planning investments and evaluating financial risk.
- Publishing economic and statistical reports about the United States and its people.
- Facilitating scientific research.
- Developing “intelligent” maps for government and business.
- Providing proof of age, relationship, or residence certificates provided by the Census Bureau.
- Distributing medical research.
- Reapportioning seats in the House of Representatives.
- Planning and researching for media as background for news stories.
- Drawing school district boundaries.
- Planning budgets for government at all levels.
- Spotting trends in the economic well-being of the nation.
- Planning for public transportation services.
- Planning health and educational services for people with disabilities.
- Establishing fair market rents and enforcing fair lending practices.
- Directing services to children and adults with limited English proficiency.
- Planning urban land use.
- Planning outreach strategies.
- Understanding labor supply.
- Assessing the potential for spread of communicable diseases.
- Making business decisions.
- Understanding consumer needs.
- Planning for faith-based organizations.
- Locating factory sites and distribution centers.
- Distributing catalogs and developing direct mail pieces.
- Setting a standard for creating both public and private sector surveys.
- Evaluating programs in different geographic areas.
- Providing genealogical research.
- Planning for school projects.
- Developing adult education programs.
- Researching historical subject areas.
- Determining areas eligible for housing assistance and rehabilitation loans.

APPENDIX B:

UNDERSTANDING THE

LANGUAGE OF THE 2020 CENSUS

GLOSSARY

The 2020 Census From A to Z

A

Address Canvassing

The Address Canvassing program implements methods to improve and refine the U.S. Census Bureau's address list in advance of the 2020 Census enumeration. The Census Bureau needs the address and physical location of each living quarter in the United States and Puerto Rico to conduct and tabulate the census. An accurate list ensures that residents will be invited to participate in the census and that the census counts residents in the correct location.

American Community Survey (ACS)

A monthly sample household survey conducted by the Census Bureau to obtain information similar to the long-form census questionnaire. The ACS is sent to a small percentage of the U.S. population on a rotating basis. First tested in 1995, it replaced the long form for the 2010 Census. Since 2004, ACS has provided annual data for social and economic characteristics for many geographic areas and population groups.

Area Census Office (ACO)

A temporary office established to oversee census operations in a specific area. These operations include address listing field work, local recruiting, and visiting households to conduct the 2020 Census.

C

Census Bureau

An agency within the U.S. Department of Commerce and the country's preeminent statistical collection and dissemination agency. It publishes a wide variety of statistical data about people, housing, and the economy of the nation. The Census Bureau conducts approximately 200 annual surveys, conducts the

decennial census of the U.S. population and housing, the quinquennial economic census, and the census of governments.

Census Day

The reference date for collection of information for a census. For the decennial census, this has been April 1 of the decade year (year ending with zero) since the 1930 Census. April 1, 2020, is the reference date, Census Day, for the 2020 Census.

Census Information Center (CIC)

The CIC program was established in 1988, when the Census Bureau and the National Urban League entered into a joint agreement to create a pilot project to make census data and information available to minority communities. Over the next 2 years, the Census Bureau added four additional organizations to the pilot program; the National Council of La Raza, the Asian and Pacific Islander American Health Forum, Americans for Indian Opportunity, and the Southwest Voter Research Institute (now the William C. Velasquez Institute).

In 2000, the CIC network became an official Census Bureau program. That year, the Census Bureau expanded the network to a total of 59 organizations.

Census Solutions Workshop

A Census Solutions Workshop is a creative, collaborative, problem-solving event that brings together diverse thinkers. The Census Solutions Workshop is specifically geared to generate new ways of communicating the importance of census data, reaching hard-to-count populations, and encouraging participation in Census Bureau surveys and programs.

Commitment

An agreement or pledge to carry out a particular task or activity that will in some way help the census achieve its goals.

Complete Count Committee (CCC)

A volunteer committee established by tribal, state, and local governments, and/or community organizations to include a cross section of community leaders, including representatives from government agencies; education, business, and religious organizations; community agencies; minority organizations; and the media. The committees are charged with developing and implementing a 2020 Census outreach, promotion, recruiting, and enumeration assistance plan of action designed to target and address the needs of their communities.

Confidentiality

The guarantee made by law (Title 13, U.S. Code) to individuals who provide information to the Census Bureau, ensuring that the Census Bureau will not reveal information to others.

D

Decennial Census

The census of population and housing taken by the Census Bureau in each year ending in zero. Article I, Section 2, of the U.S. Constitution requires that a census be taken every 10 years for the purpose of apportioning the U.S. House of Representatives. The first census of population was taken in 1790.

E

Enumeration

The process of interviewing people and recording the information on census forms.

Enumerator

A Census Bureau employee who collects census information by visiting households during census field operations.

G

Group Quarters (GQ)

The Census Bureau classifies all people not living in housing units as living in group quarters. There are two types of group quarters: institutional group

quarters (for example, correctional facilities for adults, nursing homes, and hospice facilities) and noninstitutional group quarters (for example, college/university student housing, military quarters, and group homes).

H

Hard to Count (HTC)

Groups or populations who have historically been undercounted and/or traditionally have not responded well to the decennial census questionnaire, such as ethnic/minority populations, renters, and low income households.

Hard to Enumerate (HTE)

An area for which the environment or population may present difficulties for enumeration.

Highest Elected Official (HEO)

The elected or appointed person who is the chief executive official of a governmental unit and is most responsible for the governmental activities of the governmental unit such as the governor of a state, chair of a county commission, or mayor of an incorporated place, tribal leader, or chairman.

Household (HH)

A person or group of people who occupy a housing unit as their usual place of residence. The number of households equals the number of occupied housing units in a census.

Housing Unit (HU)

A house, townhouse, mobile home or trailer, apartment, group of rooms, or single room that is occupied as separate living quarters or, if vacant, is intended for occupancy as separate living quarters.

M

Master Address File (MAF)

A Census Bureau computer file of every address and physical location, including their geographic locations, that will be used to conduct the next decennial census, as well as some ongoing surveys. This address file is updated throughout the decade and is supplemented by information provided by tribal, state, and local governments.

N

Nonresponse (NR)

A housing unit for which the Census Bureau does not have a completed questionnaire and from which the Census Bureau did not receive a telephone or Internet response.

Nonresponse Followup (NRFU)

A field operation designed to obtain a completed interview from households where a self-response was not received. Enumerators will make personal visits to these households to obtain completed interviews. The enumerator will collect respondents' answers to interview questions or information about the status of the housing unit (for example, vacant or nonexistent). If all attempts to contact the individuals of a household are unsuccessful, an enumerator will obtain as much information as possible about the household from a neighbor, building manager, or another reliable source.

P

Partner

A partner is a group or individual that commits to participate in some way with census activities.

Partnership

An agreement with tribal, state, and local governments, national organizations, and community groups (faith-based organizations, businesses, media, schools, etc.) that allows their active participation in various census activities.

Partnership Specialist

The Partnership Specialist takes a lead role in outreach and promotional efforts before and during census operations. Their main duties are increasing awareness and outreach in communities and gaining cooperation and participation from those communities.

Privacy Act

The Privacy Act of 1974 requires that each federal agency advise respondents of their rights. Specifically, every respondent must know under what law the information is being collected, how the information will be used, whether he or she must answer the questions, and the consequences of not answering the questions.

R

Regional Census Center (RCC)

One of six temporary Census Bureau offices established to manage census field office and local census office activities and to conduct geographic programs and support operations.

Regional Office (RO)

One of six permanent Census Bureau offices that direct and advise local census offices for the 2020 Census. The Regional Office also conducts some one-time and ongoing Census Bureau surveys, such as the Current Population Survey (CPS), which is used to publish unemployment figures each month, and the American Community Survey (ACS), a nationwide survey designed to obtain information similar to long-form data and to provide communities a fresh, more current look at how they are changing.

Respondent

The person who answers the Census Bureau's questions about his or her living quarters and its occupants. The respondent is usually the member of the household who owns or rents the living quarters.

Response Outreach Area Mapper (ROAM)

A Web mapping application developed to make it easier to identify hard-to-count areas and to provide a socioeconomic and demographic characteristic profile of these areas using American Community Survey estimates available in the Census Bureau Planning Database, available at <www.census.gov/roam>.

S

Self-Response

Self-response is where households complete and return their census questionnaire in a timely manner, directly to the Census Bureau, without requiring a census worker to visit the house to obtain their responses in person. Self-response—by internet, mail, or phone—is significantly less costly than in-person followup.

State Data Center (SDC)

The State Data Center (SDC) program is one of the Census Bureau's longest and most successful partnerships. This partnership between the 50 states, the

District of Columbia, Puerto Rico, the island areas, and the Census Bureau was created in 1978 to make data available locally to the public through a network of state agencies, universities, libraries, and regional, and local governments.

The SDC lead organization is appointed by the Governor of each state/commonwealth, Puerto Rico, the Island Areas (American Samoa, Guam, The Commonwealth of the Northern Mariana Islands, Virgin Islands) or the mayor of the District of Columbia.

Since its creation, the SDC network has provided access and education on Census Bureau data and products as well as other statistical resources to millions of data users.

Statistics in Schools (SIS)

A national program component of the 2020 Census with an emphasis on kindergarten through eighth grade students in schools located in hard-to-count areas. The purpose of Statistics in Schools is to educate all of the nation's K-12 students about the importance of the 2020 Census.

T

Title 13 (U.S. Code)

The collection of laws under which the Census Bureau operates. This law guarantees the confidentiality of census information and establishes penalties for disclosing this information. It also provides the authorization for conducting censuses in Puerto Rico and the Island Areas.

Transitory Locations

Sites that contain movable or mobile housing that may include transitory units such as boats, motorized recreational vehicles or trailers, tents, or other types of portable housing.

Transitory locations also include hotels or motels if being occupied on a transitory basis because the occupants have no other residence.

U

Update Enumerate (UE)

The UE operation is designed to update the address and feature data and enumerate respondents in person. UE is designated to occur in areas where the initial visit requires enumerating while updating the address frame, in particular in remote geographic areas that have unique challenges associated with accessibility.

Update Leave (UL)

This operation is designed to update the address and feature data and leave a choice questionnaire package at every housing unit (HU) identified to allow the household to self-respond. UL is designed to occur in areas where the majority of HU do not either have mail delivered to the physical location of the housing unit, or the mail delivery information for the HU cannot be verified.

V

Value Added

Refers to any service or activity provided by partners that would ordinarily require payment such as room/space for training, use of staff time, and use of other business resources.

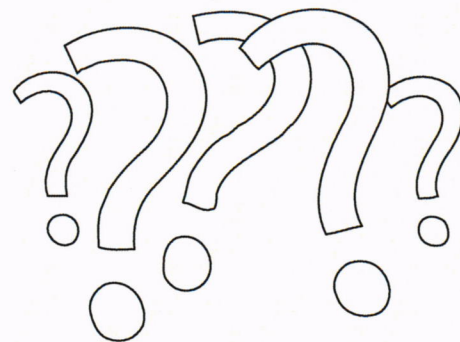
What Is A Census Solutions Workshop?

A solutions workshop is a creative, collaborative, problem-solving event that brings together diverse thinkers. A Census Solutions Workshop generates new ways of communicating the importance of census data, reaching hard-to-count populations, and encouraging participation in Census Bureau surveys and programs.



Why It Matters

A complete count ensures accurate census data that is critical for government programs, policies, and decision-making, but participation in Census Bureau surveys has declined in recent decades. We want to support your efforts to generate innovative and engaging ways to reach your communities.



How Can You Host A Workshop?

Businesses, city officials, community-based organizations, or anyone else can host a workshop. We created a toolkit to give you step-by-step guidance on how to host one.

The toolkit is available at:
www.census.gov/partners.

For more information, please contact us at:
census.partners@census.gov.





CONTACT INFORMATION

For additional information about the Complete Count Committee Program, please contact your regional census center.

If you reside in:	Please contact:
Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina	ATLANTA Atlanta.rcc.partnership@2020census.gov
Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin	CHICAGO Chicago.rcc.partnership@2020census.gov
Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Oklahoma, Texas, Utah, and Wyoming	DALLAS Dallas.rcc.partnership@2020census.gov
Alaska, California, Hawaii, Idaho, Nevada, Oregon, and Washington	LOS ANGELES Los.Angeles.rcc.partnership@2020census.gov
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Puerto Rico	NEW YORK New.York.rcc.partnership@2020census.gov
Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia	PHILADELPHIA Philadelphia.rcc.partnership@2020census.gov

Contact Information

For additional information about the Complete Count Committees program, please contact your regional census office.

Complete Count Committees

2020 Census Timeline

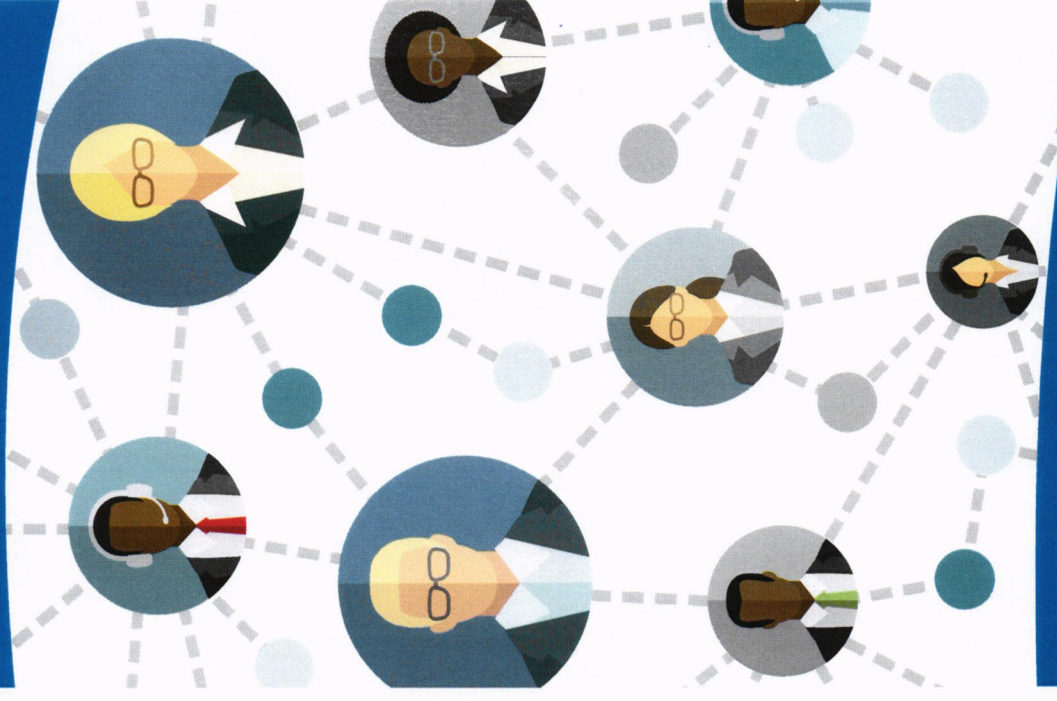
- 2018**
 - Tribal leader, governor, or highest elected local official or community leader determines Complete Count Committees (CCCs) structure.
 - CCCs receive 2020 Census training.
- 2019**
 - Continue establishing CCCs.
 - Open Area Census Offices.
 - CCCs develop strategy and work plan.
- 2020**
 - CCCs begin community organization mobilization.
 - 2020 Census advertising campaign begins in early 2020.
 - CCCs support the 2020 Census.
 - CCCs encourage self-response.

April 1, 2020 – CENSUS DAY

- CCCs urge households who do not respond to cooperate with census takers.

Please contact: If you reside in:

ATLANTA Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina Atlanta.rcc.partnership@2020census.gov	CHICAGO Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin Chicago.rcc.partnership@2020census.gov
DALLAS Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Oklahoma, Texas, Utah, and Wyoming Dallas.rcc.partnership@2020census.gov	LOS ANGELES Alaska, California, Hawaii, Idaho, Nevada, Oregon, and Washington LosAngeles.rcc.partnership@2020census.gov
NEW YORK Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Puerto Rico NewYork.rcc.partnership@2020census.gov	PHILADELPHIA Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia Philadelphia.rcc.partnership@2020census.gov



July 2018
D-1256 CCC

United States
Census
Bureau

United States
Census
2020
134

The 2020 Census is almost here!

The 2020 Census provides an opportunity for everyone to be counted. Tribal, state, and local governments; community-based organizations; faith-based groups; schools; businesses; the media; and others play a key role in developing partners to educate and motivate residents to participate in the 2020 Census.

When community members are informed, they are more likely to respond to the census. Through collaborative partnerships, the U.S. Census Bureau and community leaders can reach the shared goal of counting EVERYONE in 2020.

The Complete Count Committees (CCC) program is key to creating awareness in communities all across the country.

- CCCs utilize local knowledge, influence, and resources to educate communities and promote the census through locally based, targeted outreach efforts.
- CCCs provide a vehicle for coordinating and nurturing cooperative efforts between tribal, state, and local governments; communities; and the Census Bureau.
- CCCs help the Census Bureau get a complete count in 2020 through partnerships with local governments and community organizations.

Get Started

WHO?

Tribal, state, and local governments work together with partners to form CCCs to promote and encourage response to the 2020 Census in their communities. Community-based organizations also establish CCCs that reach out to their constituents.

WHAT?

A CCC is comprised of a broad spectrum of government and community leaders from education, business, healthcare, and other community organizations. These trusted voices develop and implement a 2020 Census awareness campaign based upon their knowledge of the local community to encourage a response.

WHEN?

The formation of CCCs is happening NOW! Leaders are identifying budget resources and establishing local work plans. In 2020, they will implement the plans and lead their communities to a successful census count.

WHY?

The primary goal of the 2020 Census is to count everyone once, only once, and in the right place.

Community influencers create localized messaging that resonates with the population in their area. They are trusted voices and are best suited to mobilize community resources in an efficient manner.

HOW?

It's up to all of us! CCCs know the best way to reach the community and raise awareness. Some activities could include:

- Holding CCC kickoff meetings with media briefings.
- Participating in Census rallies or parades.
- Coordinating Census unity youth forums.
- Hosting Interfaith breakfasts and weekend events.
- Encouraging the use of Statistics in Schools classroom resources.
- Incorporating census information in newsletters, social media posts, podcasts, mailings, and websites.
- Helping recruit census workers when jobs become available.

RESOLUTION NO. 01 - 2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A TOWN OF PALM BEACH 2020 CENSUS “COMPLETE COUNT COMMITTEE”

WHEREAS, the U.S. Census Bureau is required by the United States Constitution to conduct a count of all persons; and

WHEREAS, the Census count requires extensive work, and the Census Bureau requires partners at the state and local levels to insure a complete and accurate count; and

WHEREAS, the Town of Palm Beach Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community; and

WHEREAS, the Town of Palm Beach Complete Count Committee will work with the U.S. Census Bureau and the County of Palm Beach, Florida to strive for an accurate count.

NOW THEREFORE, BE IT RESOLVED that Town of Palm Beach establishes a 2020 Census Complete Count Committee.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of January, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Consent - Other

Agenda Title

Request to Pause on Further Discussions Regarding Parking Matters

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated January 6, 2020, from Jay Boodheshwar, Deputy Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Request to Defer Further Actions on Parking Related Matters

Date: January 6, 2020

STAFF RECOMMENDATION

Staff recommends Town Council defer any further actions related to parking, to allow staff sufficient time to conduct a comprehensive review of all parking issues/concerns, while engaging with the community to solicit feedback prior to our next set of recommendations.

GENERAL INFORMATION

For background purposes, at the November 12, 2019, Town Council meeting, the following actions were taken:

- Approved implementation of paid parking on the 100 block of Sunrise Avenue, including the addition of placard parking on this block.
- Staff was directed to prepare a pilot public parking program, utilizing the Town employee lot on the 200 block of Peruvian Avenue when said lot was not being utilized by employees.
- Staff was directed to prepare an ordinance for first reading, doubling the number of RPP decals/visitor passes from 4 to 8 for resident purchase.
- Staff was directed to provide a copy of the 2006 parking study to the Town Council, which was subsequently conveyed via email.
- All other matters were deferred to the January 14, 2020, Town Council meeting, including the following items that were being considered:
 - Town-wide 24/7 enforcement of metered parking areas
 - Expansion of metered parking locations
 - Expansion of placard parking locations

At the December 10, 2019, Town Council meeting, the following actions were taken:

1. Approved the use of the Peruvian Employee Parking lot by the public on Saturday and Sunday from 8:00am to Midnight and Monday – Friday from 5:30pm to Midnight. This went into effect on December 28, 2019. Letters were sent to nearby businesses to advise them of the new parking opportunity for their customers and staff.

2. Approved the purchase of 4 new kiosks for installation on the 100 block of Sunrise Avenue and limit the number of placards sold to 15 passes. Kiosks are on order, as are new signs and staff anticipates to go live with paid parking by Mid-January, 2020.
3. The first reading of Ordinance No. 40-2019 was approved, increasing the number of RPP decals and visitor passes from 4 to 8. The second and final reading is scheduled for the January 14, 2020, Town Council meeting.

With regard to the deferred items, after internal staff discussions, we feel it is appropriate to not take any action on these items until we have had sufficient time to thoroughly review past studies, assess current conditions, engage with subject matter experts, and engage with the residential and business communities.

cc: Department Directors
Dean Mealy, Purchasing Manager
Ben Alma, Support Services Manager

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 1-2020 at a Public Meeting Prior to 5:00 p.m.

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated December 26, 2019, from Josh Martin, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

From: Josh Martin, Planning, Zoning & Building Director

Re: Request to Consider Ordinance No. 1-2020 at a Public Hearing Prior to 5:00 p.m.

Date: December 26, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council conduct the public hearings on Ordinance No. 1-2020 at the Town Council meetings at which the proposed Ordinance is to be heard prior to 5:00 p.m. The proposed Ordinance will be heard on first reading at the January 15, 2020 meeting, and it is anticipated that the second reading will be on February 12, 2020.

GENERAL INFORMATION

Florida Statute 166.041 requires the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance that changes the list of permitted, conditional or prohibited uses within a zoning district consisting of parcels of land involving ten acres or more after 5:00 p.m. However, the Statute provides that the time of hearing can be changed if a majority plus one of the local governing body elects to have a hearing at another time. Staff is requesting the Town Council elect to conduct the public hearings on Ordinance No. 1-2020 during the course of the normal Council business. The first reading of the proposed Ordinance will be on January 15, 2020. Second reading is anticipated to be on February 12, 2020. All public hearings may occur before 5:00 p.m.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Wayne Bergman, Asst. Planning, Zoning and Building Director
Kathleen Dominguez, Town Clerk
Paul W. Castro, AICP, Zoning Manager
zf

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Consent - Other

Agenda Title

Use of Right-of-Way Variance for Sunset Avenue Lane Closure for T3 Project

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated January 8, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Maintenance of Traffic**
- ▣ **Written Request**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Use of Right-of-Way Variance for Sunset Avenue Lane Closure for T3 Project

DATE: January 8, 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council allow the permitting of the T3 Project to restrict traffic within the 200 block of Sunset Avenue, between Bradley Place and North County Road to install the final courtyard landscaping materials and chimney on Building 3 for the completion of the project. The closure would commence on Tuesday, January 21, 2020, from 9:00am to 5:00pm. The work will be completed over a three (3) day period.

GENERAL INFORMATION

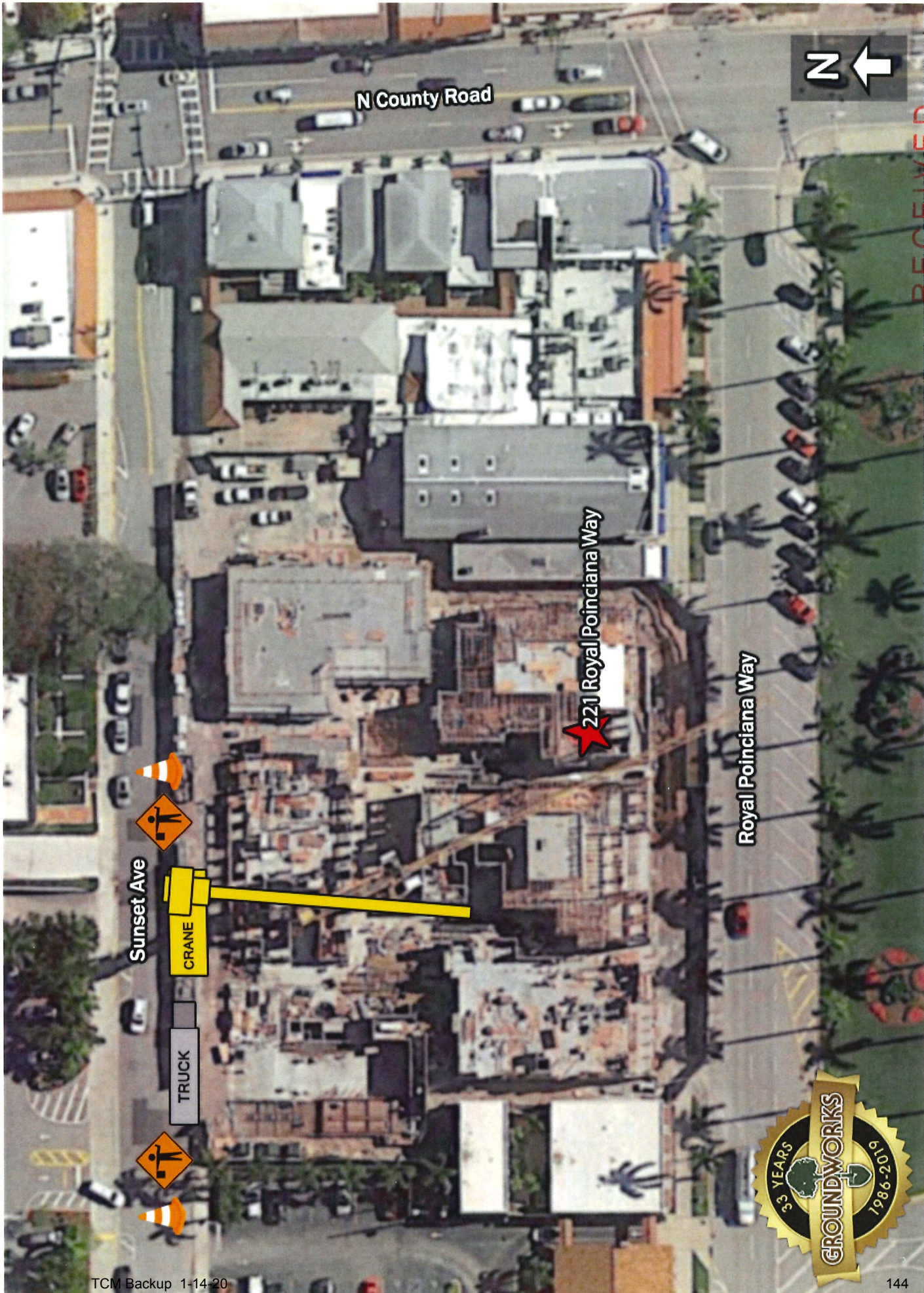
The T3 Project entered into a Construction Management Agreement for the Testa's Project on August 3, 2017. Specific lane closure of Sunset Avenue during the season was not included in the Construction Management Agreement. The Construction Management Agreement allowed for the parking on Sunset Avenue adjacent to the site be closed during construction. On December 17, 2019, at the request of the Town, the fence blocking off the parking on Sunset Avenue was removed and two-way traffic to the roadway was re-established. Permission to restrict the travel lane one last time on Sunset Avenue would facilitate the completion of the project.

The attached Maintenance of Traffic (MOT) plan identifies implementation of the proposed road restriction. Sunset Avenue will remain open to two-way traffic with an approved MOT. The T3 Project will use flagmen, traffic control devices, and off-duty officers to control traffic and access to shops, tenants and the neighboring facilities affected by the restriction on Sunset Avenue.

Also attached is the written request from the applicant that describes the nature of the work and the hours requested. The dates have been revised to allow for Town Council authorization. The applicant will notify surrounding property owners within a 300-foot radius of the proposed impacts upon approval.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Nicholas Caristo, Police Chief
Darrel Donnatto, Fire Chief
Joshua Martin, AICP, CNU-A, Director of Planning, Zoning & Building
Wayne Bergman, MCP, LEED-AP Asst. Director of Planning, Zoning & Building
Patricia Strayer, P.E., Town Engineer
Ben Alma, Code Enforcement Unit



TCM Backup 1-14-20

144

Testa's Palm Beach
221 Royal Poinciana Way

CRANE MOT
12/16/19

DEC 18 2019

Town of Palm Beach
PZB Dept

Craig Hauschild

From: Cody Crowell <cody@frisbiegroup.com>
Sent: Thursday, December 26, 2019 11:04 AM
To: Craig Hauschild
Cc: Michelle Sentmanat; Bradley Falco; Christine Conklin
Subject: Re: Construction Parking - T3 Project

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hi Craig,

I hope you are enjoying the holidays. The ROW permit we submitted is for 1/13-1/15 and for Sunset Ave. These 3 days consist of crane work for 2 days of landscaping materials and 1 day for the chimney work on Building 3 (restaurant). Unfortunately we anticipate needing all 3 days and we did not build in a weather contingency into the duration. The MOT will consist of the crane sitting tight to the curb on the South side of Sunset Ave (in the parallel parking within our site), with one outrigger on the sidewalk and the other outrigger projecting into the Eastbound lane. When the crane is set up, we will have roughly 15-16 ft left of open roadway (no parallel parking on the Westbound/North side). Our intent is to manage the traffic with flagmen and limit the roadway to one lane at a time during our operation. When we conclude for the day, we will pull the North outrigger back in, which will allow for two-way traffic to resume (the crane will still be in the parallel parking with the fence pushed out to the edge of the parallel parking lane). This crane work is critical for our courtyard completion timelines and is unfortunately unavoidable due to the layout of the site. The accessibility to the courtyards is incredibly difficult and this is the most efficient/fast ways to accomplish this work. We will ensure that the operation is safe and efficiently maintain traffic as best as possible. Thank you for your continued support and we hope this is the last of our significant roadway work.

Additionally, we will be completing the application for construction parking passes today and will bring down for your review. Please let me know if you have any questions and/or give me a call for any further clarification.

Best Regards,

CODY CROWELL

(C): (508) 292 3543

[Frisbie Group](http://frisbiegroup.com) | cody@frisbiegroup.com

On Mon, Dec 23, 2019 at 5:10 PM Craig Hauschild <chauschild@townofpalmbeach.com> wrote:

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Consent - Other

Agenda Title

Review of Request for Additional Testing of Landfill at Okeechobee Boulevard
Per Request of Potential Developers of Property for Landlease

The Back-up is incomplete at the time of posting. Will be provided at a later date.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Recreation Advisory Commission

Presenter

Nicholas Coniglio, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated January 3, 2020, from Nicholas Coniglio, Chair**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Coniglio, Recreation Advisory Commission Chairperson

Re: Recreation Advisory Commission Annual Presentation

Date: January 3, 2020

GENERAL INFORMATION

The contents of the annual Recreation Advisory Commission (RAC) report include:

Commission Membership/Meetings

Par 3 Golf Course

Tennis Operations

Town Marina

Recreation Center (Morton and Barbara Mandel Recreation Center and Seaview Park Improvements project update)

Commission Membership/Meetings

The RAC is comprised of seven regular members and three alternate members, appointed by Town Council for three-year terms. A chairperson and vice-chairperson are selected by the members on an annual basis. The Commission held four regular meetings (September 2019 meeting was cancelled due to hurricane). The current Commission membership is as follows:

Commissioner	Position	Term Expires
Nicholas Coniglio	Chairperson	4/20
Amy Bahl	Vice-Chairperson	4/20
Carla Termini Cove	Regular Member	4/20
Dr. G. Ellen Howe	Regular Member	4/21
Grier Pressly	Regular Member	4/22
Alexandra Woodfield	Regular Member	4/21
Leslie Wytrzes	Regular Member	4/22

Peter Harris	Alternate Member	4/21
Pamela McIver	Alternate Member	4/22
Kristen Schonwald-Vila	Alternate Member	4/22

The new appointments to the Commission in 2019 were Mr. Peter Harris and Ms. Pamela McIver.

Par 3 Golf Course

The Par 3 Golf Course had another great year with 39,114 rounds of golf played during fiscal year 2019. Tournaments continue to become more popular as the Par 3 played host to 95 tournaments and outings, the most in its history. The popularity of the golf lesson and clinic program increased, with participation increasing by 9.5% over the last fiscal year. Patrons consistently provide positive feedback concerning the quality of the lessons and the instructors.

The restaurant, al Fresco, at the Par 3, remains a favorite dining destination for residents and guests, alike. Town staff continues to work closely with al Fresco staff to address any operational issues that may be identified. The popularity of the golf course and the restaurant continues to be a testament to the outstanding service, which has become the hallmark of this remarkable facility.

Outstanding course conditions remain a priority at the Par 3 and the members of the Commission have provided input on budgetary expenses and fees, assisting in the establishment of a well-thought out budget. Fee modifications included the tweaking of green fees and annual passes. The hard work and efforts have paid off, as the Palm Beach Par 3 continues to receive numerous accolades and earned the most revenue in its history, more than \$2,450,000 (including more than \$200,000 in pro-shop sales).

Additionally, several projects were completed. Among them were projects for the clubhouse – new outdoor clubhouse furniture, elevator modernized and upgraded, refreshed front entrance signage, restriping and sealing of parking lot. Also, for the golf course itself, – laser leveled tees, replaced and improved course signage, trimmed all trees and mangroves on property in house, and new furniture on the course.

Tennis Operations

Lesson and clinic participation remains good. Town revenue from the teaching contract with DM Tennis Enterprises was up from the previous fiscal year, despite challenges that included the closing of courts as the result of construction at Seaview Park, compounded by weather (Hurricane Dorian closures, extreme cold in early 2019, and record rainfall in late spring). Participants continue to provide positive feedback about the high level of quality and professionalism in the instructor team with lessons increasing 25% over the previous fiscal year. The RAC and residents continue to comment on the high quality of the courts – excellent playability.

Additionally, several projects were completed at Phipps Ocean Park Tennis Center. Among them were refinishing of wood soffit and doors, replacing security lights on pro shop, installing new

pavilion lights along with the painting of the exterior of the pro shop, pavilion and maintenance building. Also, renovation of the interior of pro shop (merchandise slat wall installed, upgraded merchandise, new furniture and paint).

The construction in Seaview Park affected overall operations and provided challenges. Some of the more notable impacts include most team tennis matches being played at Phipps Ocean Park Tennis Center; Seaview Park courts closed for the construction of a new viewing pavilion, and parking limitations. An arrangement was made for a temporary sewer line to be connected to the pro-shop restrooms, allowing them to function normally through the season. Despite all, participants continued to note the high quality of court conditions.

Town Marina

The Town Docks have continued to exceed cost recovery goals and recorded the most revenue in its history (more than \$4,116,000). Annual occupancy has remained strong at 88%. A total of 347 transient vessels were docked for 2,020 nights – a more than 20% increase in transient boats from the previous fiscal year. Staff continues to address maintenance needs of the aging facility. Fees were reviewed throughout the year and increases were made to general dockage rates.

Regarding the Master Plan for the Town Docks and Accessory Structures, the design completion of 90% was achieved in FY19, with the consultants implementing the master plan. Staff is currently working with a consultant to fine-tune the revenue projections with a recommendation for the construction firm expected to be brought to Town Council in February 2020.

Recreation Center

The Recreation Center offered dozens of programs off-site, at the Palm Beach Day Academy, Bethesda-by-the Sea, and Palm Beach Public School, for which the Recreation Department is very grateful. In preparation for the first full session of programs at the new Mandel Recreation Center, staff continued to solicit feedback from residents and the RAC on program opportunities and collaborated with the RAC, enhancing recreation opportunities.

Morton and Barbara Mandel Recreation Center Update and Seaview Park Improvements

In 2014, the RAC began discussions regarding the need for a long-term plan to address the adequacy of existing recreation facilities. Community input was sought and a list of prioritized recommendations for new and improved facilities at the Recreation Center and Seaview Park was created. The Recreation Center was closed in late July 2018 and demolition commenced in August 2018.

A groundbreaking ceremony for the new Morton and Barbara Mandel Recreation Center took place on October 22, 2018, offering the opportunity to formally thank the Town's partners - the Morton and Barbara Mandel Family Foundation and the Friends of Recreation, each contributing one-third of the total cost. A ribbon-cutting ceremony was held on December 6, 2019. In between was a tremendous amount of hard work by Town staff, the RAC, the Morton and Barbara Mandel Family Foundation, and the Friends of Recreation. This resulted in the new Mandel Recreation Center, Seaview Park improvements (which includes the new playground-several RAC members participated in the selection committee), a renovated tennis pro-shop and a new tennis viewing pavilion. All of these projects were completed on-time and under budget.

Conclusion

Overall, the members of the RAC had a very productive year and are looking forward to a very exciting 2020. With the construction of the Morton and Barbara Mandel Recreation Center and Seaview Park improvements completed, many exciting opportunities will present themselves to residents and visitors. The Commission is optimistic about the future and is committed to working with the staff to meet any challenge which may present itself. We are involved in an ongoing dialogue concerning the role of recreation in the Town of Palm Beach, and want it to be seen as an essential service. We are dedicated to assisting in any way necessary, as we plan for an exciting and successful future.

cc: Recreation Advisory Commission
Carolyn Stone, Director of Business Development and Operations
Rod Gardiner, Assistant Director of Recreation
Tony Chateauvert, Golf Manager
Mike Horn, Dockmaster
Mark Bresnahan, Program Development and Operations Manager

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project

a. Review of Project and Status Summary

Presenter

Steven Stern, Project Manager

ATTACHMENTS:

- ▣ **Memorandum Dated December 30, 2019, Steven Stern, Project Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor & Town Council

Via: Kirk W. Blouin, Town Manager

From: Steven Stern, Underground Utilities Project Manager

Re: Utility Undergrounding Project Status Report

Date: December 30, 2019

I. Communications

A. Community Meetings:

- South Phases: Coffee with the Crew & Town Staff
The 1st Friday of each month.
Where: South fire station, meeting room – A1A across from Ibis Isle.
When: Will begin after start of Phase 2 South construction.
- North Phases: Coffee with the Crew & Town Staff
The 1st Monday of each month.
Where: Palmo Way Park Area, east side near the Town Pump Station
When: Monday, January 6, 2020, next meeting: February 3, 2020

The Town calendar shows all scheduled community meetings through end of 2020.

B. Litigation Update:

Kosberg & Scharf as Trustee v. Town of Palm Beach

- November 26, 2019, Class Certification denied by Judge James Nutt, Circuit Court.
- December 26, 2019, appeal filed by Plaintiff.

PBT Real Estate, LLC v Town of Palm Beach:

- Town awaiting the plaintiff's appeal ruling by the Eleventh Circuit Court.

C. FEMA Grant Update

The Hazard Mitigation Grant Program (HGMP) Contract number H0374 between the Town of Palm Beach and the Florida Division of Emergency Management was fully executed on December 11, 2019.

II. Progress Summary:

A. Construction Progress:

Phase 1 South Construction:

From the southern Town limit north to Sloan's Curve.

- As of December 23, 2019 all underground conversions are complete.
- FPL contractor begins overhead system decommission activities.

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace.

- Phase 2 North construction is 67% complete.
- ATT and Comcast wire pulls and pedestal sets continue.
- Next Milestone will be the start of FPL overhead to underground conversions.

Phase 2 South Construction:

From Sloan's' Curve to the intersection of S. Ocean Blvd & S. County Road

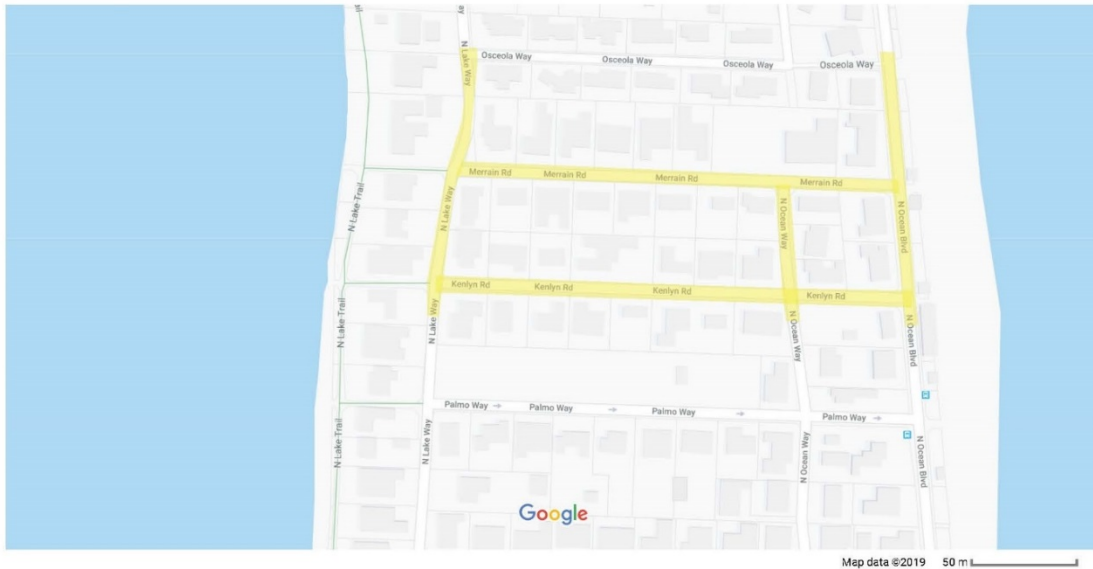
- Phase 2 South is transitioning to start of construction.
- Next milestone is the delivery of FPL materials and start of directional drilling.

Phase 3 North Construction:

From Osceola Way to the north side of La Puerta Way

- Phase 3 North construction is 12% complete.
- The drilling crew continue to work within area #1. Work area 1 is Merrain Road, Kenlyn Road, the Palmo Way Park and the adjacent north-south streets.

Phase 3 North / Work Area #1



B. Design & Easement Progress:

Phase 3 South:

From S. Ocean Blvd & S. County Road to the Alleyway south of Worth Ave.

- Design is 80% complete.
- Bid package availability remains incomplete due to outstanding easements.
- 77 of 98 easements (79%) are now recorded or verbally approved.
- Challenging areas include critical path easements along S. County Road and immediately south of Worth Ave.
- Master plan called for construction to begin May 2019.

Phase 4 North:

From south side of La Puerta Way to north side of List Road.

- Design is 66% complete.
- 33 of 66 easements (50%) are recorded or verbally approved.
- Easement acquisition is falling behind schedule.
- Master plan called for construction to begin May 2020.

Phase 4 South:

From Peruvian Ave north to Royal Palm Way & the Town Docks.

- Design is 54% complete.
- 13 of 64 easements (20%) are recorded or verbally approved.
- Easement acquisition is falling behind schedule.
- Master plan called for construction to begin May 2020.

Phase 5 North:

From Country Club Road to Southland Road.

- Design is 33% complete and on schedule.
- Easement acquisition has not started.

Phase 5 South:

From South Lake Drive/Hibiscus Ave & Peruvian Ave/Royal Palm Way, properties between the Intracoastal waterway and the Atlantic Ocean & from Royal Palm Way to Seaspray Ave.

- Design is 33% complete and on schedule.
- Easement acquisition has not started.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south side of Plantation Road.

- Design is 9% complete and on schedule.
- Easement acquisition has not started.

Phase 6 South:

Seaspray Ave to the south of Royal Poinciana Way.

- Design is 9% complete and on schedule.
- Easement acquisition has not started.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road.

- Not started.

Phase 7 South:

Atlantic Ave north to Via Los Incas & Sanford Ave

- Not started.

Phase 8:

Royal Poinciana Way north to Everglade Ave

- Not started.

III. Financial Summary

Other than receiving vendor pay applications for work performed in active phases of construction zones, there were no changes made since last month's report.

The current underground utility project financial summary page is provided immediately below.

Additionally, the Town Finance Department prepared a presentation of the project's estimated annual cash flow. This information is included within your undergrounding program backup.

Page 1

**Underground Utility Project Budget
Project Financial Summary
December 31, 2019**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,797,329	\$ 12,560,570	98.1%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,915,885	\$ 5,595,594	43.3%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 6,031,565	\$ 1,608,897	26.7%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 1,335,096	\$ 700,604	52.5%
Phase 5 (\$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,599,805	\$ 372,729	23.3%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,886,346	\$ -	0.0%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ -	\$ -	
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 36,566,027	\$ 20,838,394	57.0%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 980,414	\$ 980,414	\$ 915,944	93.4%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,885,059	\$ 37,546,441	\$ 21,754,338	57.9%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 2,700,000	\$ 3,432,464	127.1%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,158,567	\$ 1,888,236	163.0%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 120,885,059	\$ 38,705,008	\$ 23,642,574	61.1%

Total Project Budget - Opinion of cost for construction	\$ 120,885,059
% Budgeted/Encumbered To Date Project Costs	31.06%
% Spent to Date - Project Costs	18.00%



Underground Utility Project Monthly Progress Report January 2020

Table of Contents

Dashboard – Phase 2, 3 Construction & Phase 2, 3, 4, 5, 6 Design

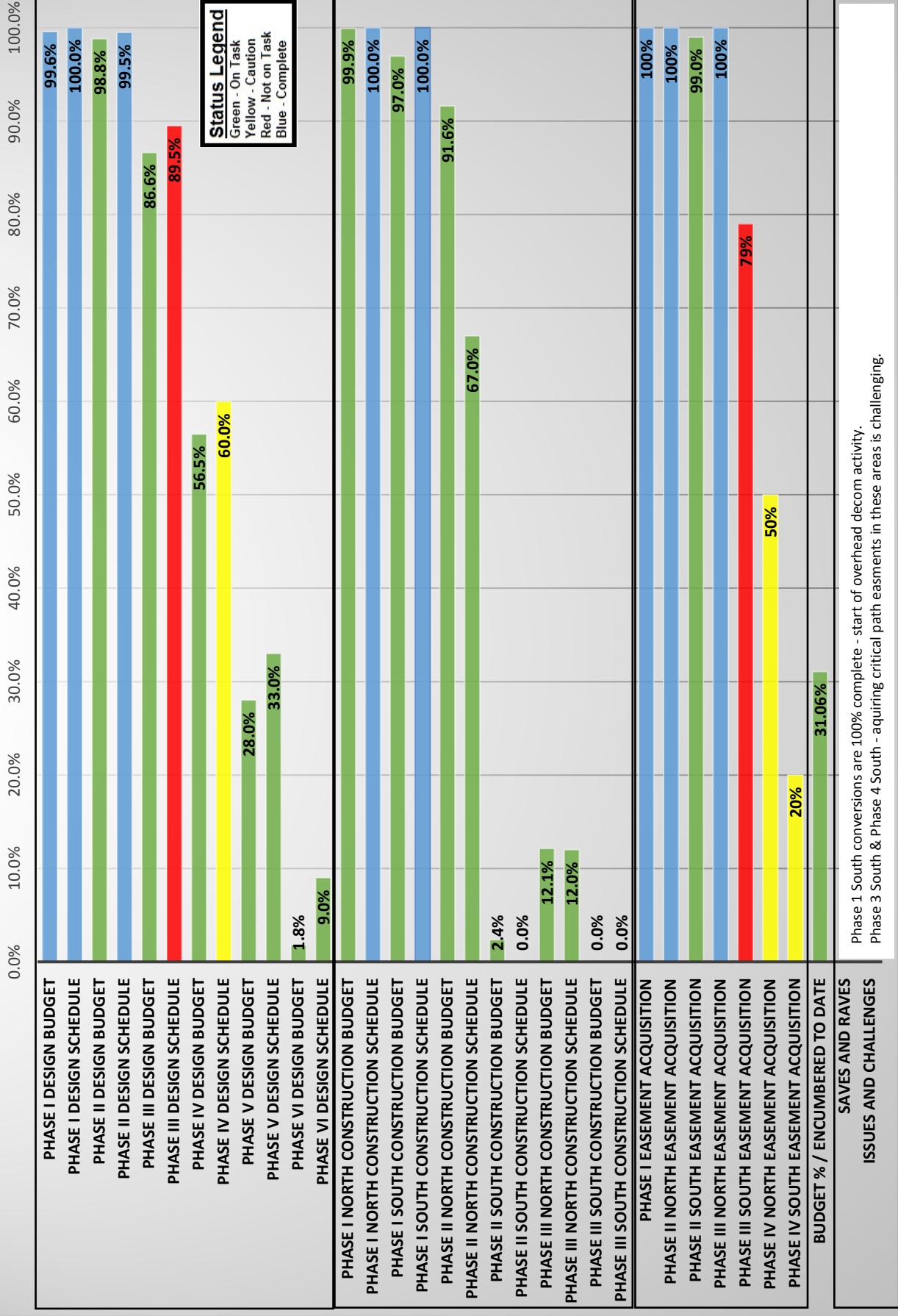
1. Townwide Undergrounding - Phasing & Sequencing Program Map
2. Kimley-Horn - Design Progress Reports - Phase 2 - 6
3. Kimley-Horn - Design Phase 2 - 6 Gantt Charts
4. Burkhardt - Executive Summary & Schedule
Phase 2N, 2S & 3N
5. Project Financial Report
6. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$119.9 million.

Prepared by the TMO & Finance Departments
January 2, 2020

Town of Palm Beach - Underground Utility Project Dashboard - Jan '20



Phasing and Sequencing





Town-Wide Undergrounding - Phase 2 Design
KHA Project #044063202
December 2019 Progress Report
Period: November 20, 2019 to December 21, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 2 North Design is 100% complete
 - Phase 2 South Design is 99% complete
- Budget: Project is on budget as of November 15, 2018
 - Phase 2 North Design is at 99% of total task budget
 - Phase 2 South Design at 99% of total task budget
- Easement Status
 - Phase 2 North: 100% (38/38) easements approved
 - Phase 2 South: 95% (40/42) easements approved

B. Detailed Design Phase

- Continued coordination with Comcast, AT&T and FPL to finalize Network Design Plans for Phase 2 South.
- Continued resident coordination for easement acquisition in Phase 2 South.
- Conduct and attend Design Progress Meeting and develop/distribute Meeting Minutes
- Attendance at Progress Meeting with Town and Utility Owners
- Attendance at Subconsultant Coordination Meetings

II. Upcoming Activities (December 22, 2019 – January 21, 2020)

A. Detailed Design Phase

- Continue resident meetings/conference calls to discuss easements in Phase 2 South.
- Progress Meeting Attendance.
- Phase 2 South construction commencement



Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
December 2019 Progress Report
Period: November 20, 2019 to December 22, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 99% complete
 - Phase 3 South Design is 80% complete *
- Budget: Project is on budget as of November 15, 2019
 - Phase 3 North Design is at 95% of total task budget
 - Phase 3 South Design at 84% of total task budget
- Easement Status
 - Phase 3 North: 100% (36/36) easements approved
 - Phase 3 South: 79% (77/98) easements approved

* Phase 3 South is currently behind schedule.

B. Detailed Design Phase

- o Continued Subconsultant/utility owner coordination
- o Continued Progress on development of Bid Plans for Phase 3 South.
- o Continued review and comment on FPL, ATT and Comcast Design Plans
- o Submittal of progress markup of FPL design plans to FPL for revisions based on easement progress.
- o Progress Meeting Attendance.
- o Progress on Phase 3 South Landscape plans.
- o Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- o Site meetings with property owners to discuss easement requests in Phase 3 North and South.
- o Development of legal sketches and descriptions for Phases 3 North and South.
- o Meetings with Town to discuss program status

II. Upcoming Activities (December 23, 2019 – January 22, 2020)

A. Detailed Design Phase

- o Continued Subconsultant/utility owner coordination
- o Continued Progress on development of Bid Plans for Phase 3 South.
- o Continued Easement meetings with property owners – Phases 3 North and South
- o Continued coordination with FPL, AT&T and Comcast to complete the Phase 3 South design
- o Progress Meeting Attendance



Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

December 2019 Progress Report

Period: November 20, 2018 to December 22, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 4 North Design is 66% complete*
 - Phase 4 South Design is 54% complete*
- Budget: Project is on budget as of November 15, 2019
 - Phase 4 North Design is at 64% of total task budget
 - Phase 4 South Design at 55% of total task budget
- Easement Status
 - Phase 4 North: 50% (33/66) easements approved
 - Phase 4 South: 20% (13/64) easements approved.

*Easement progress is causing the schedule to fall behind for both phase areas.

B. Detailed Design Phase

- o Subconsultant coordination related to Phase 4 Undergrounding
- o Continued coordination with utility owners to receive design information.
- o Continued development of Equipment Locations and Conduit Plans for Phase 4 North and South.
- o Performed field work to obtain information for equipment placement based on easement meetings with property owners.
- o Review of FPL, Comcast, and AT&T Conduit and Equipment Plans, coordination with FPL, Comcast, and AT&T regarding design modifications.
- o Development and delivery of easement exhibits to the Town for Phases 4 North and South.
- o Progress Meeting Attendance
- o Site visits and meetings with property owners to discuss easement requests

II. Upcoming Activities (December 23, 2019 – January 22, 2020)

A. Detailed Design Phase

- o Continued coordination with utility owners to refine the design.
- o Review Comcast design for Phase 4 South.
- o Continued development and submittal of easement exhibits for Phases 4 North and South.
- o Continued development of Equipment Location and Conduit Plans for Phases 4 North and South.
- o Meetings with property owners to discuss easement requests.
- o Progress Meeting attendance.



**Town-Wide Undergrounding - Phase 5 Undergrounding
KHA Project #044063229
December 2019 Progress Report
Period: November 26, 2019 to December 25, 2019**

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below
 - Phase 5 North Design is 33% complete
 - Phase 5 South Design is 33% complete
- Budget: Project is on budget as of December 15, 2019
 - Phase 5 North Design is at 27% of total task budget
 - Phase 5 South Design is at 24% of total task budget
- Easement Status
 - Phase 5: N/A, will provide status when this work begins

B. Detailed Design Phase

- Reviewed Phase 5 North preliminary equipment locations
- Awaiting Phase 5 South preliminary equipment locations from FPL
- Coordinated with utility companies, sub-consultants, and Town
- Attended Town Council Meeting
- Led coordination meetings with sub-consultants

II. Upcoming Activities (December 26, 2019 – January 25, 2020)

A. Detailed Design Phase

- Review Phase 5 North preliminary equipment locations
- Await Phase 5 South preliminary equipment locations from FPL
- Coordinate with utility companies, sub-consultants, and Town
- Attend Underground Utilities Task Force Meeting
- Lead coordination meetings with sub-consultants



Town-Wide Undergrounding - Phase 6 Undergrounding

KHA Project #044063247

December 2019 Progress Report

Period: November 26, 2019 to December 25, 2019

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below
 - Phase 6 North Design is 9% complete
 - Phase 6 South Design is 9% complete
- **Budget:** Project is on budget as of December 15, 2019
 - Phase 6 North Design is at 6% of total task budget
 - Phase 6 South Design is at 2% of total task budget
- **Easement Status**
 - Phase 6: N/A, will provide status when this work begins

B. Detailed Design Phase

- Surveyed project sites
- Located electric meters
- Coordinated with utility companies, sub-consultants, and Town
- Led easement meeting with Town
- Led coordination meetings with sub-consultants

II. Upcoming Activities (December 26, 2019 – January 25, 2020)

A. Detailed Design Phase

- Survey project sites
- Locate electric meters
- Coordinate with utility companies, sub-consultants, and Town
- Lead coordination meetings with sub-consultants

ID	Task Name	Start	Finish	
1	Detailed Design North End (Phase 2 North)	Mo 8/13/18	Wed 10/1/18	
2	Data Collection	Mo 8/13/18	Wed 11/14/18	
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17	
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17	
5	Site Survey	Wed 6/21/17	Thu 8/17/17	
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17	
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17	
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17	
9	Utility Preliminary Design	Thu 8/1/18	Thu 8/1/18	
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18	
11	Easement Coordination	Mo 8/1/18	Wed 8/1/18	
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18	
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18	
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18	
15				
16	Construction Documents	Thu 8/1/18	Thu 8/1/18	
17	Utility Base Mapping	Thu 8/1/18	Thu 8/1/18	
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17	
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17	
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17	
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17	
22	Equipment Location Plan Development	Mo 8/1/18	Thu 3/8/18	
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18	
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18	
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18	
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18	
27	Conduit Routing Plan Development	Thu 8/1/18	Thu 8/1/18	
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18	
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18	
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18	
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18	
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18	
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18	
34				
35	Bid Phase - Phase 2 North	Mo 8/1/18	Thu 8/1/18	
36	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18	
37	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18	

Project: TOPB UG Ph 2 Designr
Date: Wed 12/18/19

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

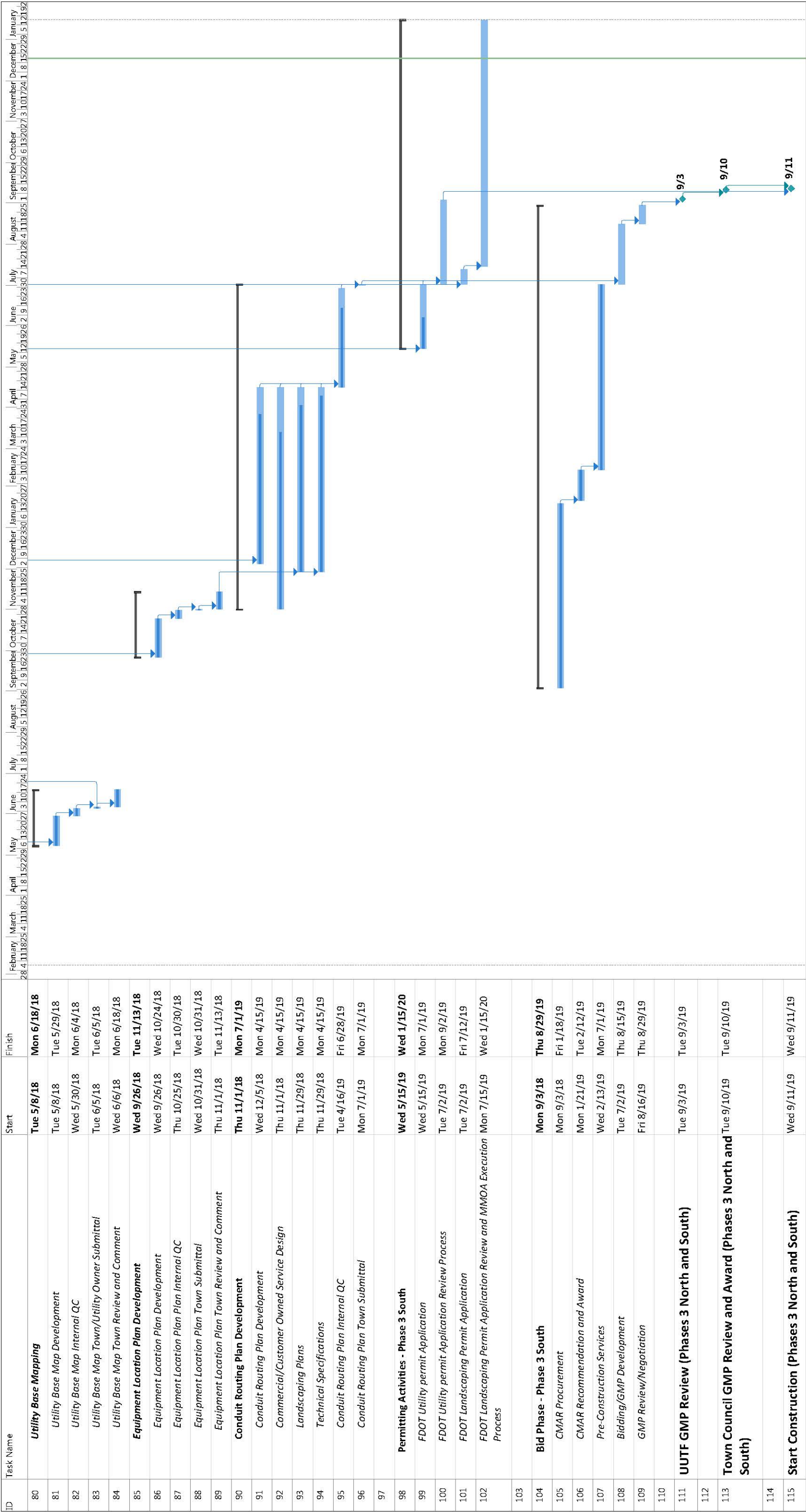
Progress

Manual Progress

Page 1

ID	Task Name	Start	Finish	
38	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18	
39	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18	
40	GMP review and Negotiation	Tue 7/17/18	Tue 8/7/18	
41				
42	Town Council Award (Phase 2 North)	Tue 8/14/18	Tue 8/14/18	
43				
44	Start Construction (Phase 2 North)	Wed 8/15/18	Wed 8/15/18	
45	New Task			
46	Utility Design and BCE Development - Phase 2 North	Fri 8/10/18	Fri 8/10/18	
47	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18	
48	AT&T and Comcast Design	Tue 2/20/18	Mon 4/30/18	
49	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18	
50				
51	Detailed Design South End (Phase 2 South)	Mon 8/13/18	Mon 1/31/19	
52	Data Collection	Mon 8/13/18	Wed 11/14/18	
53	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17	
54	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17	
55	Site Survey	Wed 6/21/17	Thu 8/31/17	
56	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17	
57	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17	
58	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17	
59	Utility Preliminary Design	Fri 8/11/18	Fri 8/11/18	
60	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17	Fri 1/19/18	
61	Easement Coordination	Mon 1/10/18	Fri 8/10/18	
62	Determine Easement Needs and Locations	Mon 1/22/18	Fri 2/16/18	
63	Send Easement Request Letters to Property Owners	Mon 2/19/18	Fri 2/23/18	
64	Procure Easements and Follow up	Mon 2/26/18	Thu 8/16/18	
65				
66	Construction Documents	Fri 8/11/18	Fri 8/11/18	
67	Utility Base Mapping	Fri 8/11/18	Fri 8/11/18	
68	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17	
69	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17	
70	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17	
71	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17	
72	Equipment Location Plan Development	Mon 1/10/19	Fri 3/10/19	
73	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18	
74	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18	
Project: TOPB UG Ph 2 Designr Date: Wed 12/18/19				Summary
Task				Milestone
Project Summary				Manual Task
Manual Summary				Deadline
Progress				Manual Progress

ID	Task Name	Start	Finish
75	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18
76	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18
77	Conduit Routing Plan Development	Wed 3/7/18	Wed 4/1/18
78	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18
79	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18
80	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
81	Technical Specifications	Mon 4/2/18	Fri 5/18/18
82	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
83	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
84			
85	Permitting Assistance - Phase 2 South	Wed 6/1/18	Wed 1/31/19
86	FDOT Utility Permit application	Tue 5/1/18	Tue 5/15/18
87	FDOT Permit Application Review Process	Wed 5/16/18	Tue 7/17/18
88	FDOT Landscape Permit and Construction Agreement/MMOA	Mon 10/1/18	Mon 10/22/18
89	FDOT Landscape Permit and Construction Agreement/MMOA Review Process	Thu 11/1/18	Thu 1/31/19
90			
91	Bid Phase - Phase 2 South	Mon 1/8/18	Wed 3/1/18
92	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
93	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
94	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
95	Bidding/GMP Development	Mon 6/4/18	Mon 8/20/18
96	GMP review and Negotiation	Tue 8/21/18	Fri 8/31/18
97	New Task		
98	Utility Design and BCE Development - Phase 2 South	Wed 6/26/18	Wed 6/26/18
99	FPL Design and Preliminary Conduit Routing	Tue 9/26/17	Fri 2/16/18
100	AT&T and Comcast Design	Tue 3/6/18	Mon 5/7/18
101	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
102			
103	UUTF Bid Award Review (Phase 2 South)	Tue 7/2/19	Tue 7/2/19
104			
105	Town Council Award (Phase 2 South)	Tue 8/13/19	Tue 8/13/19
106			
107	Start Construction (Phase 2 South)	Wed 8/14/19	Wed 8/14/19



Project Phase 3 Detailed Design
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

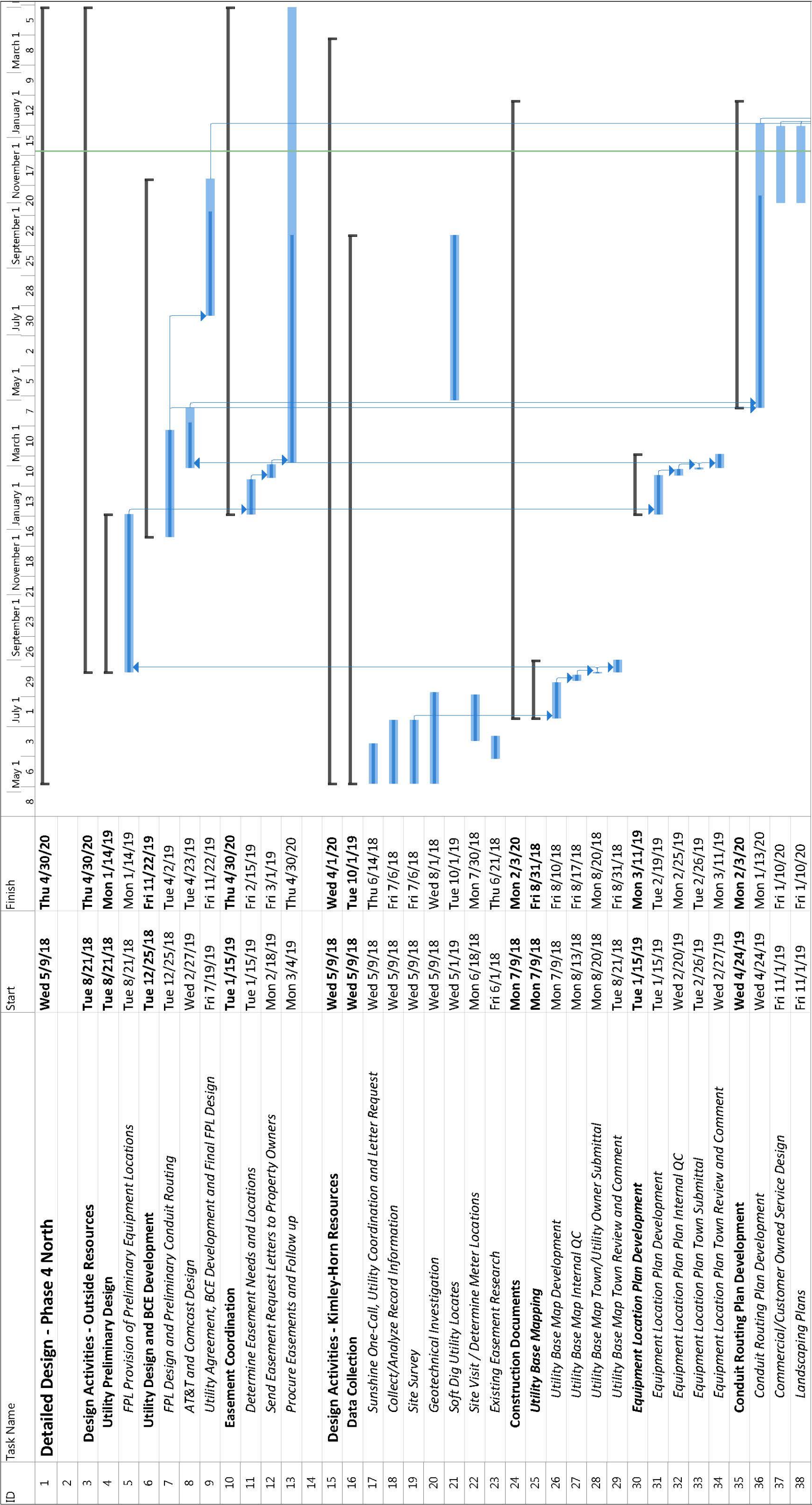
External Milestone

Deadline

Progress

Manual Progress

Page 3



Project: Phase 4 Detailed Design
Date: Thu 12/19/19

Task

Task

Split

Milestone

Summary

Project Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

ID	Task Name	Start	Finish
39	Technical Specifications	Mon 9/2/19	Fri 1/10/20
40	Conduit Routing Plan Internal QC	Tue 1/14/20	Fri 1/31/20
41	Conduit Routing Plan Town/CMAR Submittal	Mon 2/3/20	Mon 2/3/20
42			
43	Bid Phase - Phase 4 North	Tue 6/11/19	Wed 4/1/20
44	CMAR Procurement	Tue 6/11/19	Mon 8/12/19
45	CMAR Recommendation and Award	Tue 8/13/19	Tue 8/13/19
46	Pre-Construction Services	Wed 8/14/19	Thu 1/30/20
47	Bidding/GMP Development	Tue 2/4/20	Wed 3/18/20
48	GMP Review/Negotiation	Thu 3/19/20	Wed 4/1/20
49			
50	Detailed Design - Phase 4 South	Wed 5/9/18	Wed 8/5/20
51			
52	Design Activities - Outside Resources	Tue 9/11/18	Fri 5/1/20
53	Utility Preliminary Design	Tue 9/11/18	Mon 1/14/19
54	FPL Provision of Preliminary Equipment Locations	Tue 9/11/18	Mon 1/14/19
55	Utility Design and BCE Development	Wed 1/16/19	Fri 11/22/19
56	FPL Design and Preliminary Conduit Routing	Wed 1/16/19	Fri 5/3/19
57	AT&T and Comcast Design	Mon 3/11/19	Fri 5/3/19
58	Utility Agreement, BCE Development and Final FPL Design	Fri 7/19/19	Fri 11/22/19
59	Easement Coordination	Tue 1/15/19	Fri 5/1/20
60	Determine Easement Needs and Locations	Tue 1/15/19	Fri 3/8/19
61	Send Easement Request Letters to Property Owners	Mon 3/11/19	Thu 3/21/19
62	Procure Easements and Follow up	Fri 3/22/19	Fri 5/1/20
63			
64	Design Activities - Kimley-Horn Resources	Wed 5/9/18	Wed 8/5/20
65	Data Collection	Wed 5/9/18	Tue 10/1/19
66	Sunshine One-Call, Utility Coordination and Letter Request	Wed 5/9/18	Thu 6/14/18
67	Collect/Analyze Record Information	Wed 5/9/18	Thu 7/5/18
68	Site Survey	Wed 5/9/18	Thu 7/26/18
69	Geotechnical Investigation	Wed 5/9/18	Wed 8/1/18
70	Soft Dig Utility Locates	Wed 5/1/19	Tue 10/1/19
71	Site Visit / Determine Meter Locations	Mon 6/18/18	Mon 7/30/18
72	Existing Easement Research	Mon 6/18/18	Fri 7/6/18
73	Construction Documents	Mon 7/30/18	Mon 2/3/20
74	Utility Base Mapping	Mon 7/30/18	Fri 9/21/18
75	Utility Base Map Development	Mon 7/30/18	Fri 8/31/18
76	Utility Base Map Internal QC	Mon 9/3/18	Fri 9/7/18

Project: Phase 4 Detailed Design
Date: Thu 12/19/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

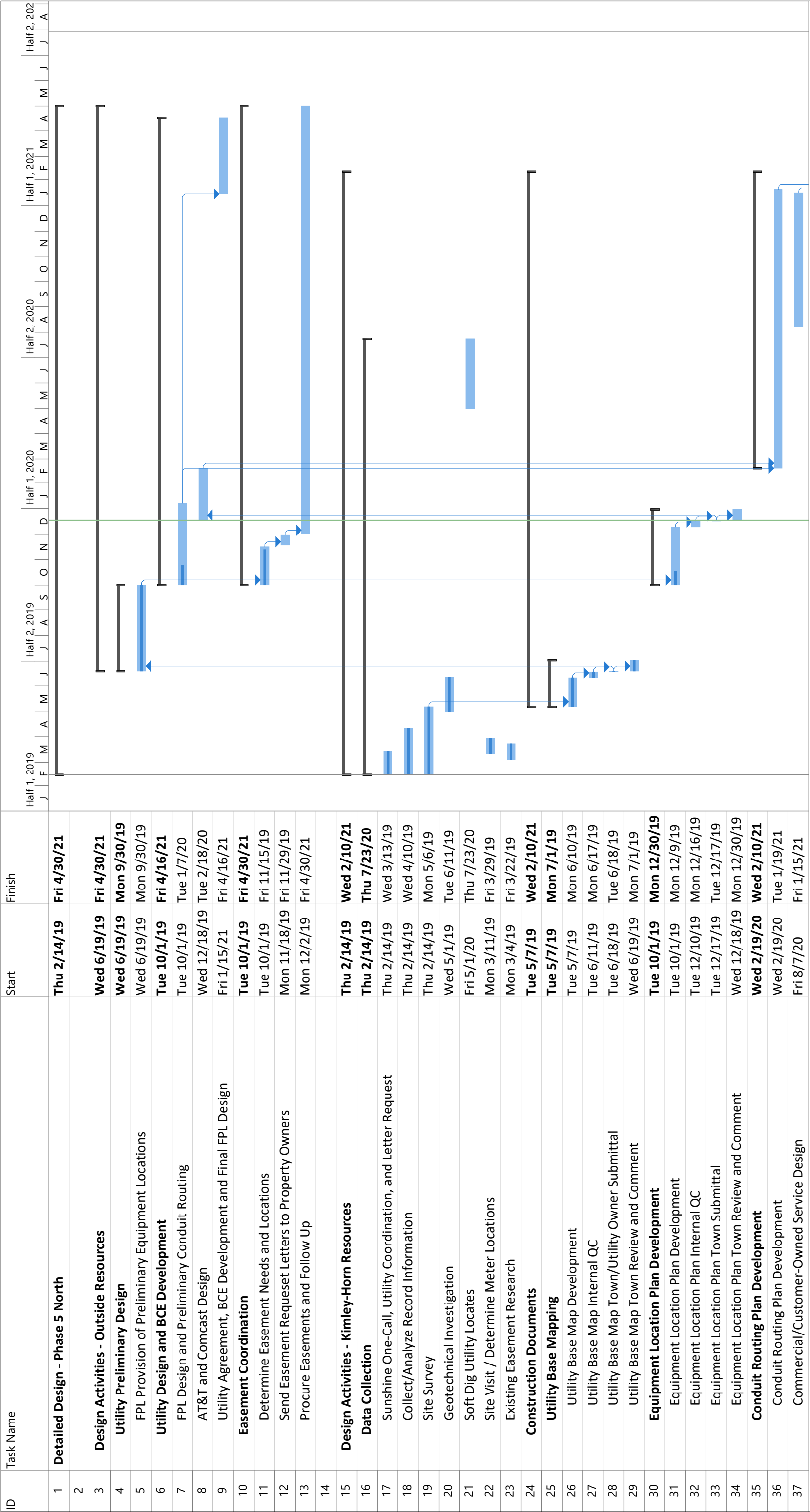
Progress

Manual Progress

Page 2

ID	Task Name	Start	Finish	May 1	May 6	May 8	July 1	July 3	July 5	September 1	September 23	September 26	September 29	October 1	October 3	October 5	October 7	October 10	October 13	October 16	October 18	October 21	October 23	October 26	October 29	November 1	November 3	November 5	November 7	November 10	November 13	November 16	November 18	November 21	November 23	November 26	November 29	December 1	December 3	December 5	December 7	December 10	December 13	December 16	December 18	December 21	December 23	December 26	December 29	January 1	January 3	January 5	January 7	January 10	January 13	January 16	January 18	January 21	January 23	January 26	January 29	February 1	February 3	February 5	February 7	February 10	February 13	February 16	February 18	February 21	February 23	February 26	February 29	March 1	March 3	March 5	March 7	March 10	March 13	March 16	March 18	March 21	March 23	March 26	March 29	April 1	April 3	April 5	April 7	April 10	April 13	April 16	April 18	April 21	April 23	April 26	April 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7	July 10	July 13	July 16	July 18	July 21	July 23	July 26	July 29
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Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone	



Project: 2019_0226_Schedule
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

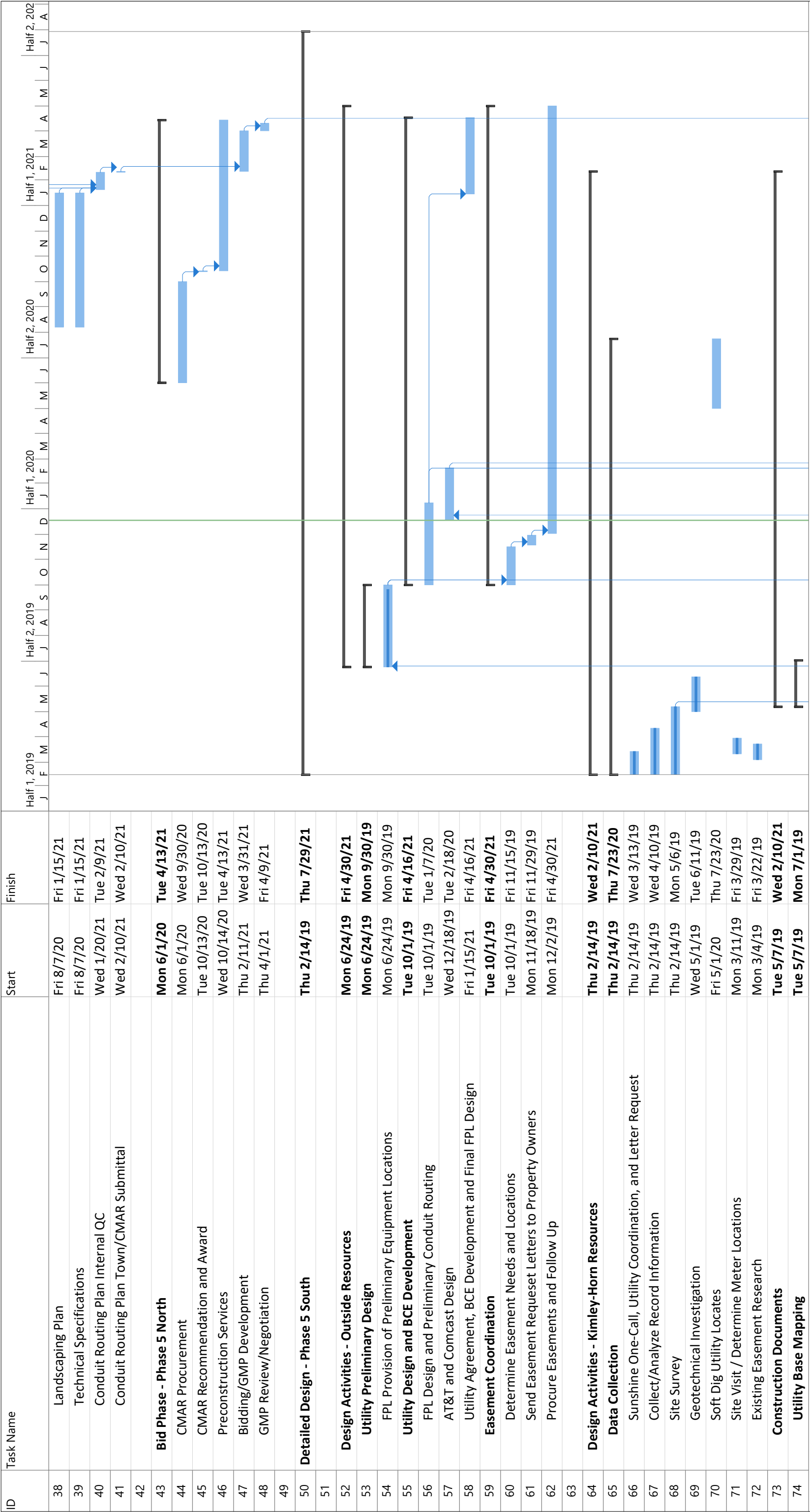
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

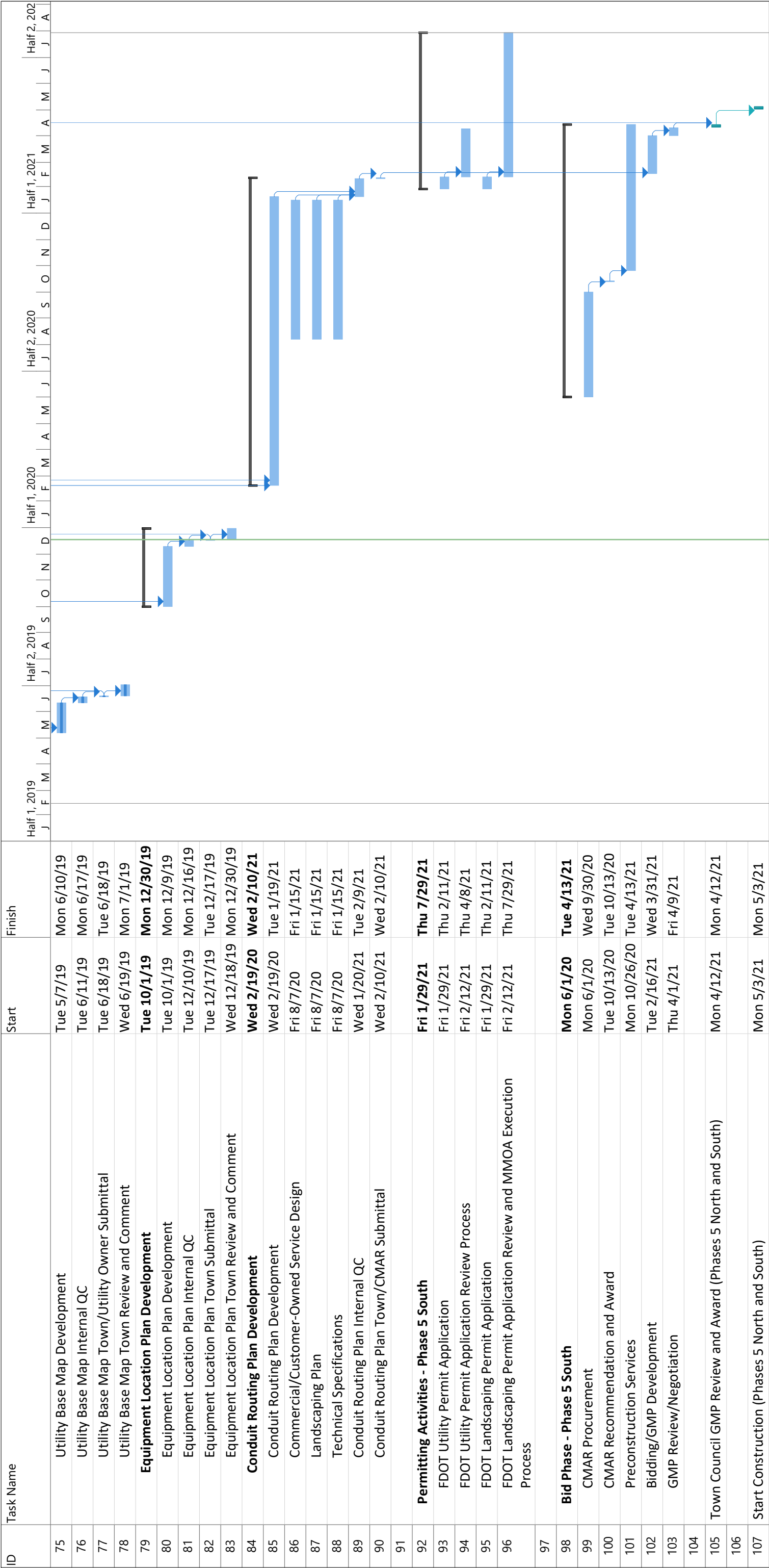
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

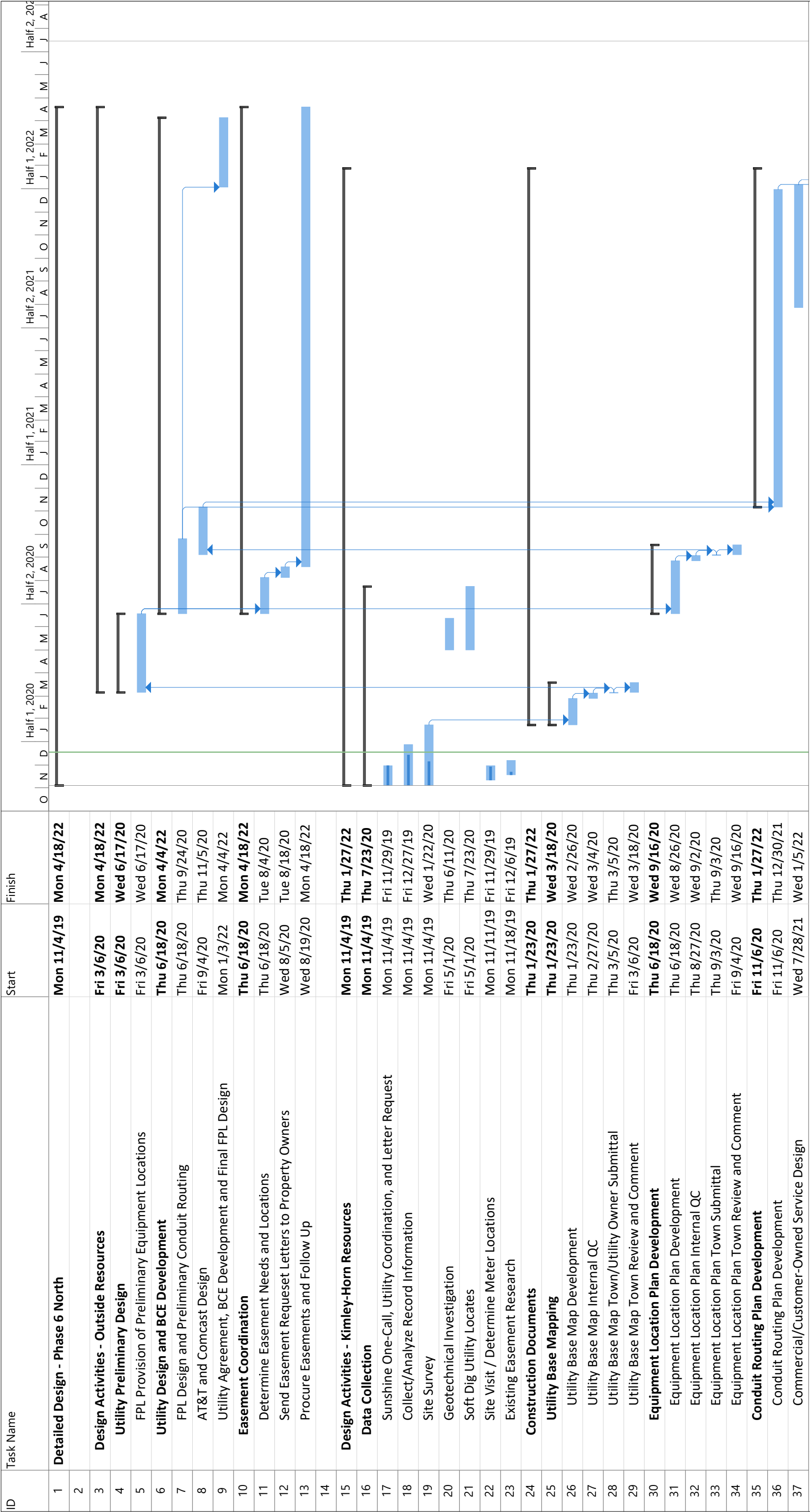
Progress

Manual Progress

Page 3

TCM Backup 1-14-20

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Project: 2019_0226_Schedule
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

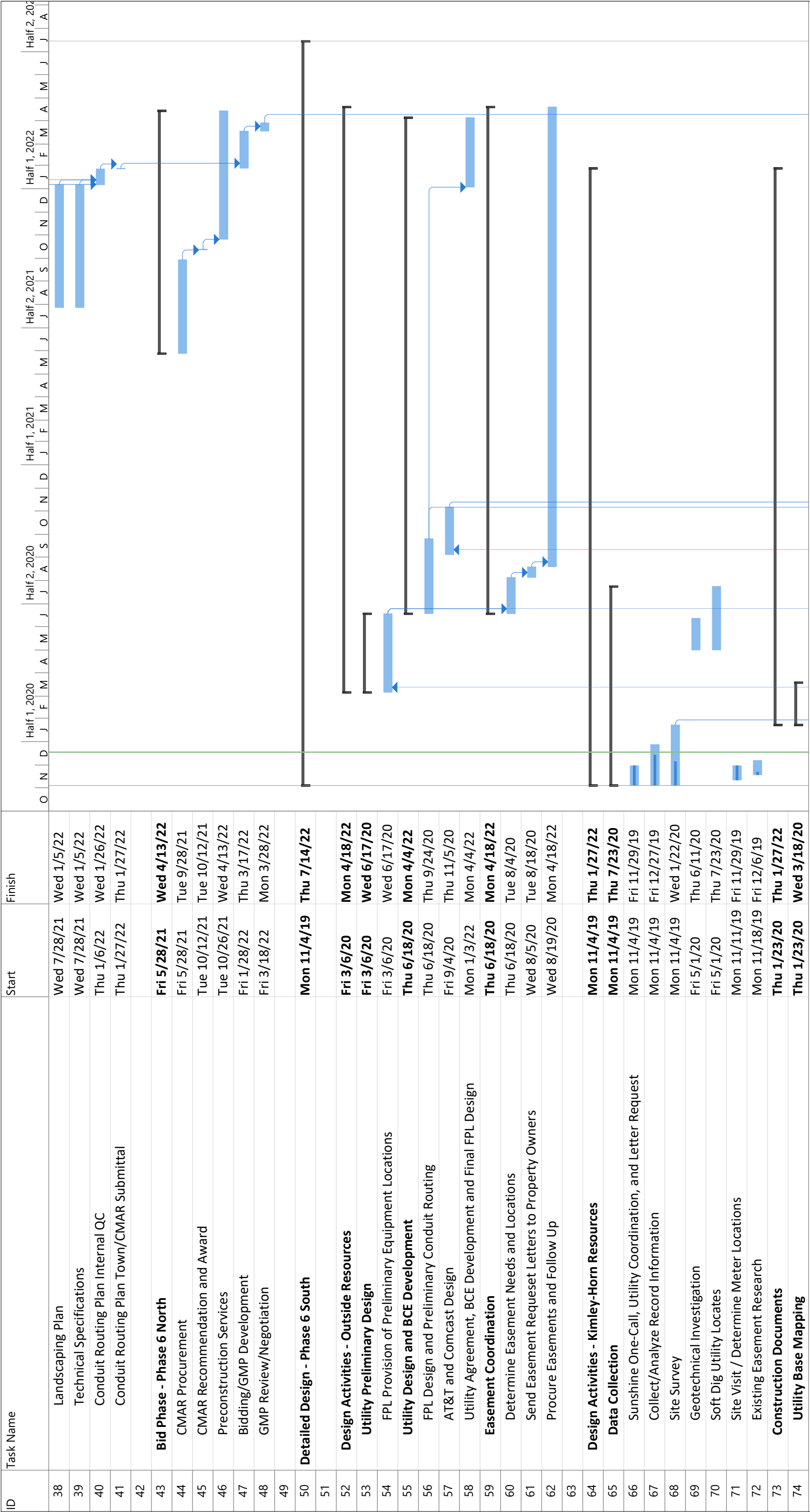
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

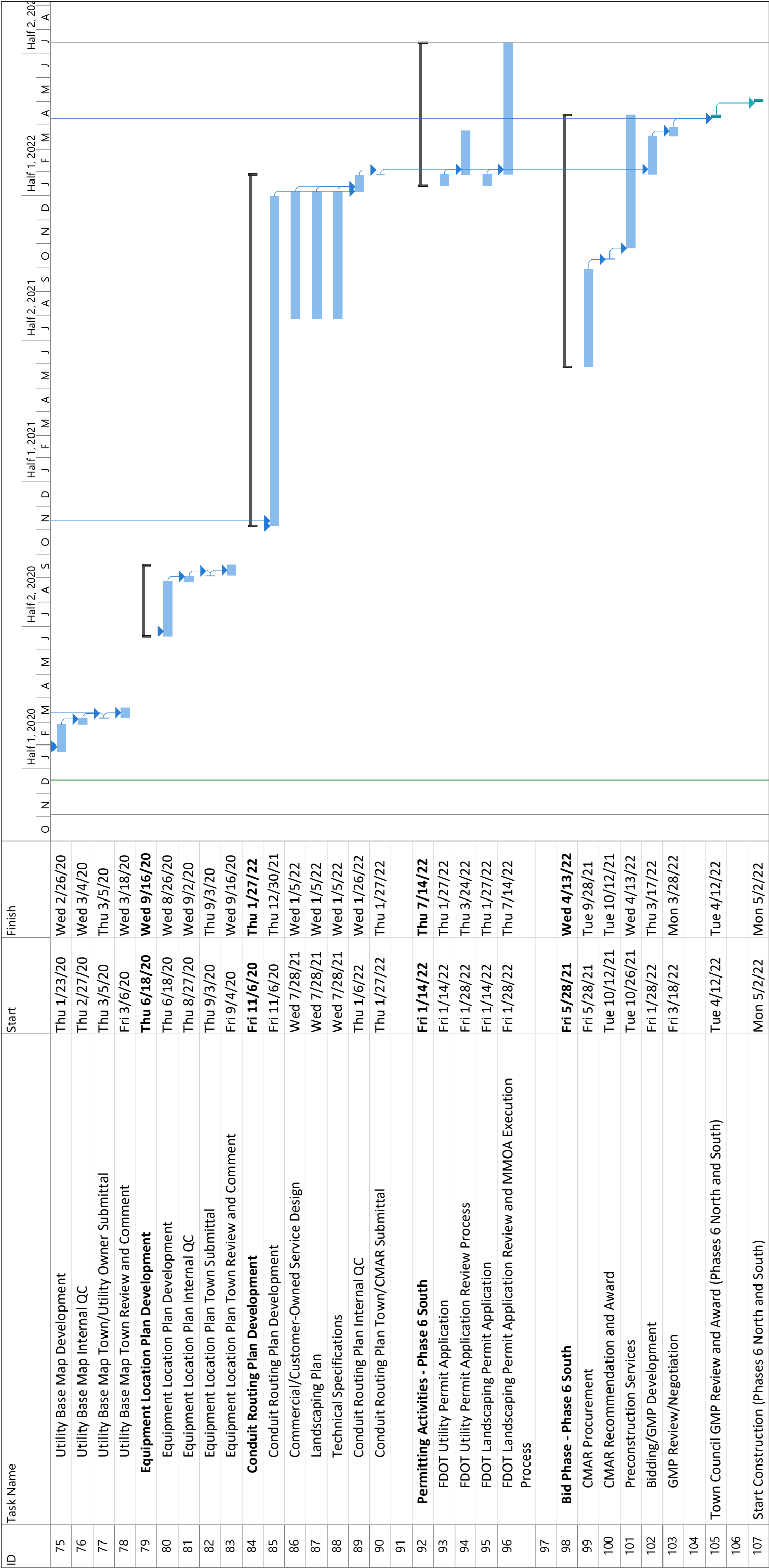
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Wed 12/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

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Vincent G. Burkhardt
President



Executive Summary

Executive Summary
For
October 2019

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comple	Duration	Start	Finish	3rd QuarterJulAugSep4th QuarterOctNovDec1st QuarterJanFebMar2nd QuarterAprMayJun3rd QuarterJulAugSep4th QuarterOctNovDec1st QuarterJanFebMar											
1	Phase 2 NORTH	67%	399 days?	Tue 8/14/18	Fri 2/21/20												
2	Town Council Approval	100%	1 day	Tue 8/14/18	Tue 8/14/18												
3	Award Prime Contract	100%	13 days	Wed 8/15/18	Fri 8/31/18												
4	Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18												
5	Customer Owned Service Connection Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18												
6	Sub Contract Agreements	100%	14 days	Wed 8/15/18	Mon 9/3/18												
7	Material Procurement	100%	11 days	Mon 8/20/18	Mon 9/3/18												
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	240 days	Mon 9/3/18	Fri 8/2/19												
9	Feeder Splice Box Installation	100%	140 days	Sun 12/30/18	Thu 7/11/19												
10	Set Transformers / Switch Cabinets (FPL)	100%	155 days	Sun 1/13/19	Thu 8/15/19												
11	Secondary Services / Wire	100%	235 days	Mon 11/5/18	Fri 9/27/19												
12	As-Built Submission / Review (FPL)	99%	220 days	Mon 2/11/19	Fri 12/13/19												
13	Pull Wire / Terminations Primary (FPL)	100%	145 days	Mon 2/18/19	Fri 9/6/19												
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	70%	180 days	Mon 3/11/19	Fri 11/15/19												
15	*Comcast Pull Wire, Set Pedestals	85%	180 days	Mon 3/11/19	Fri 11/15/19												
16	Cut over / Overhead Removal (ATT/Comcast)	0%	150 days	Mon 6/3/19	Fri 12/27/19												
17	Energize Underground (FPL)	0%	140 days	Mon 4/8/19	Fri 10/18/19												
18	Secondary Service Switch Over (FPL)	0%	180 days	Fri 4/19/19	Thu 12/26/19												
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	180 days	Mon 6/17/19	Fri 2/21/20												
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of	0%															
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%															
22	Storm Drainage	100%	30 days	Mon 8/12/19	Fri 9/20/19												



Executive Summary

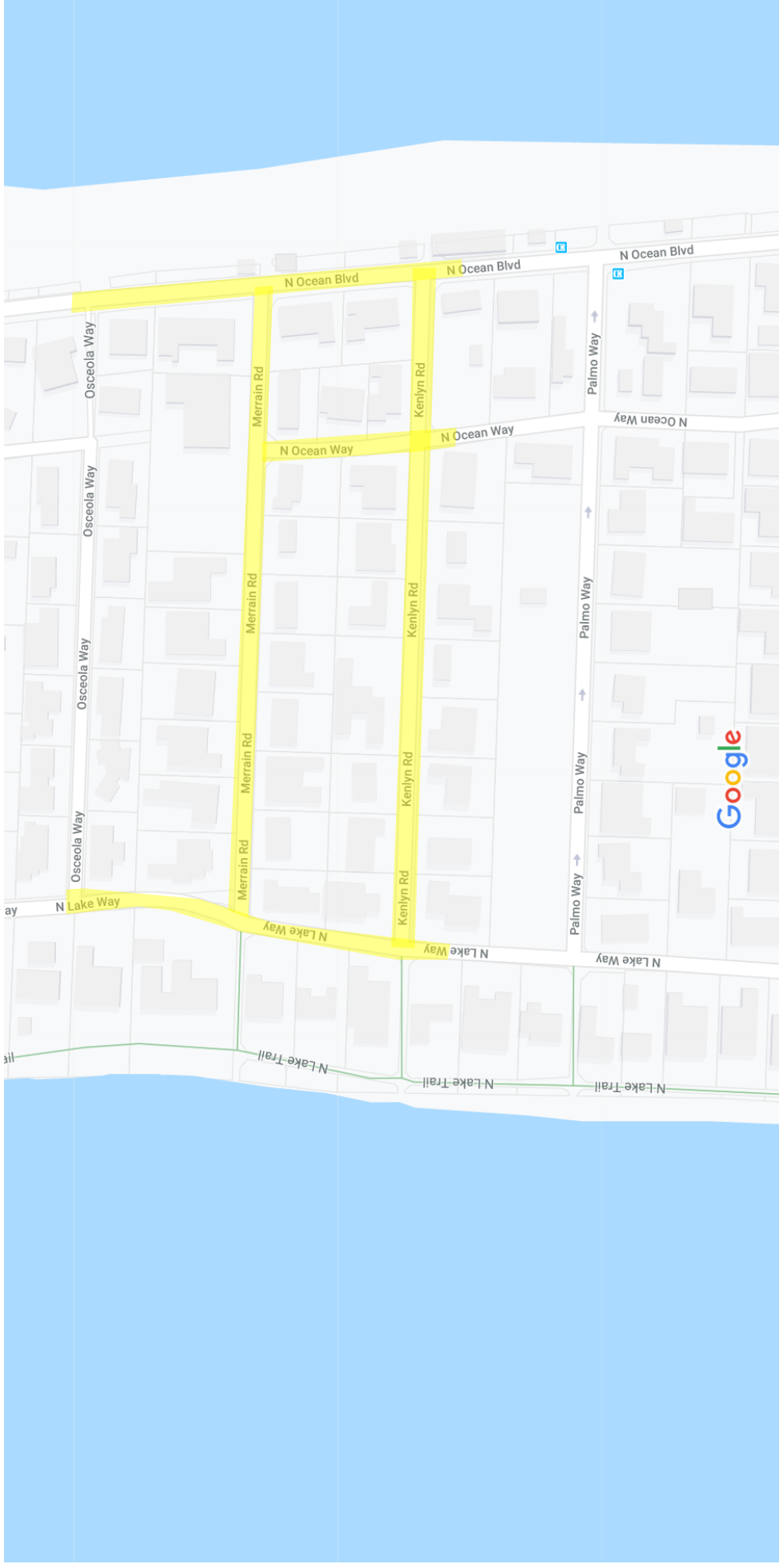
For

November 2019

On November 4, 2019 the crews began drilling along North Lake Way near Osceola and headed south. The crew continued south throughout the month down to Palmo Way. The crew also drilled along Merrain Road in November.

ID	Task Name	% Compl	Duration	Start	Finish
1	PHASE 3 NORTH	12%	444 days?	Wed 8/14/19	Mon 4/26/21
2	Town Council Approval	10...	1 day	Wed 8/14/19	Wed 8/14/19
3	Award Prime Contract	10...	13 days	Thu 8/15/19	Mon 9/2/19
4	Permitting	95%	14 days	Thu 8/15/19	Tue 9/3/19
5	Customer Owned Service Connection Permitt	10...	14 days	Thu 8/15/19	Tue 9/3/19
6	Sub Contract Agreements	10...	14 days	Thu 8/15/19	Tue 9/3/19
7	Material Procurement	70%	55 days	Tue 8/20/19	Sun 11/3/19
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	14%	240 days	Mon 11/4/19	Fri 10/2/20
9	As-Built Submission / Review (FPL)	0%	200 days	Fri 1/3/20	Thu 10/8/20
10	Secondary Services / Wire	0%	100 days	Fri 5/8/20	Thu 9/24/20
11	Feeder Splice Box Installation	0%	55 days	Fri 7/10/20	Thu 9/24/20
12	Set Transformers / Switch Cabinets (FPL)	0%	55 days	Fri 7/10/20	Thu 9/24/20
13	Pull Wire / Terminations Primary (FPL)	0%	85 days	Fri 8/14/20	Thu 12/10/20
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	55 days	Fri 8/14/20	Thu 10/29/20
15	*Comcast Pull Wire, Set Pedestals	0%	55 days	Fri 8/14/20	Thu 10/29/20
16	Cut over / Overhead Removal (ATT/Comcast)	0%	20 days	Fri 11/6/20	Thu 12/3/20
17	Energize Underground (FPL)	0%	20 days	Tue 12/15/20	Mon 1/11/21
18	Secondary Service Switch Over (FPL)	0%	35 days	Tue 12/15/20	Mon 2/1/21
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	57 days	Fri 2/5/21	Mon 4/26/21
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of	0%			
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			

Phase 3 North / Work Area #1



Map data ©2019

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Underground Utility Project Budget
Project Financial Summary
December 31, 2019

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,797,329	\$ 12,560,570	98.1%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,915,885	\$ 5,595,594	43.3%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 6,031,565	\$ 1,608,897	26.7%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 1,335,096	\$ 700,604	52.5%
Phase 5 (\$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,599,805	\$ 372,729	23.3%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,886,346	\$ -	0.0%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ -	\$ -	
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 36,566,027	\$ 20,838,394	57.0%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 980,414	\$ 980,414	\$ 915,944	93.4%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,885,059	\$ 37,546,441	\$ 21,754,338	57.9%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 2,700,000	\$ 3,432,464	127.1%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,158,567	\$ 1,888,236	163.0%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 120,885,059	\$ 38,705,008	\$ 23,642,574	61.1%

Total Project Budget - Opinion of cost for construction	\$ 120,885,059
% Budgeted/Encumbered To Date Project Costs	31.06%
% Spent to Date - Project Costs	18.00%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 11,884,419	0.0%
Assessment Revenue	\$ 13,380,000	\$ 11,374,854	85.0%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 396,389	0.0%
Interest	\$ 512,000	\$ 1,711,867	334.3%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 2,000,000	\$ 1,583,333	79.2%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 409,450	\$ 289,075	70.6%
Total Project Revenues	\$ 88,908,191	\$ 91,831,721	103.3%

Underground Utility Project Budget
Phase 1 Project Costs
December 31, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	40,934	155.8%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Other Change orders			\$ 130,415	130,415	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	483,548	101.4%
Construction Engineering (KH)			\$ 230,532	205,818	89.3%
	\$ 4,210,000	\$ 4,930,000	\$ 4,868,657	\$ 4,865,374	99.9%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,267,153	95.9%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders			\$ 12,749	12,749	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,362,028	99.1%
Construction Engineering (KH)			\$ 283,880	288,631	101.7%
	\$ 6,800,000	\$ 6,350,000	\$ 6,302,159	\$ 6,110,920	97.0%
Easement Recording Fees			\$ 347	740	
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment					
Surveying			\$ 13,978		
Temp Service					
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,797,329	\$ 12,560,570	98.1%

Underground Utility Project Budget
Phase 2 Project Costs
December 31, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 129,348	94.7%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 799,244	99.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	3,604,249	89.8%
Approved Change Orders			\$ -	-	
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 496,307	100.0%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 208,752	84.1%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,426,334	91.6%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	-	
Burkhardt Construction			\$ 6,494,596		
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	
Street Light Conversion			\$ 20,000	\$ 19,268	
Construction Engineering (KH)	-		\$ 282,973		
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,055,899	\$ 166,998	2.4%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 19,409	89.3%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 22,845	91.4%
Postage			\$ -	\$ 491	
Recording Costs			\$ 3,605	\$ 2,750	76.3%
Easement Abandonment			\$ 15,484	\$ -	0.0%
Total Easement Acquisition Costs	200,000	219,000	\$ 222,236	\$ 203,018	91.4%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 12,915,885	\$ 5,595,594	43.3%

Underground Utility Project Budget
Phase 3 Project Costs
December 31, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 413,374	85.0%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 18,417	50.0%
Task 1.5 Meetings			\$ 77,411	\$ 62,994	81.4%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 774,973	86.6%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,042,171	\$ 70,046	1.7%
Approved Change Orders					
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost				\$ 5,000	
Comcast Design Cost				\$ 3,128	
FPL Construction			\$ 87,101	\$ 87,101	
Construction Engineering (KH)			\$ 236,976	\$ 28,590	12.1%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 243,470	\$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 74,900	\$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 4,761,488	\$ 577,604	12.1%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 11,359	1,350	
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 11,359	\$ 9,478	0.0%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 242,738	88.8%
Legal Advertising				\$ 1,076	
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal			\$ 25,000		
Recording Costs				\$ 3,027	
Easement Abandonment			\$ 28,387	\$ -	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 364,213	\$ 246,841	67.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 6,031,565	\$ 1,608,897	26.7%

Underground Utility Project Budget
Phase 4 Project Costs
December 31, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	224,868	72.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	261,745	58.0%
Task 1.3 Permitting Assistance			\$ 14,468	-	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	-	0.0%
Task 1.6 Meetings			\$ 77,911	18,290	23.5%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	504,903	56.5%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 12,757	8,128	0.0%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 13,160	8,128	0.0%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	172,843	61.7%
Easement Assistance (KH) -- Switches			\$ 67,747	49	0.1%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	5,975	15.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				578	
Easement Abandonment			\$ 24,086		
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 415,300	179,446	43.2%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 1,335,096	700,604	52.5%

Underground Utility Project Budget
Phase 5 Project Costs
December 31, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 140,805	31.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 188,155	31.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			\$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 77,911	\$ 5,752	7.4%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 334,712	28.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs			\$ 16,223	16,223	100.0%
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 16,223	\$ 16,223	0.0%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs			\$ 19,283	19,283	100.0%
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 19,283	\$ 19,283	100.0%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600	\$ 2,150	1.0%
<i>Easement Assistance</i>			\$ 81,086	\$ 250	0.3%
<i>Surveys</i>					
<i>Legal Sketch</i>			\$ 41,080		
<i>Jones Foster - Legal</i>					
<i>Recording Costs</i>				\$ 111	
<i>Easement Abandonment</i>			\$ 29,462	\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 370,228	\$ 2,511	0.7%
Fema Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$14,090,000	\$11,694,645	\$ 1,599,805	\$ 372,729	23.3%

Underground Utility Project Budget
Phase 6 Project Costs
December 31, 2019

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 9,500	0.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 16,531	0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North			\$ 35,938		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 84,791		0.0%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 26,031	0.0%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ -	\$ -	0.0%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594		
<i>Surveys</i>					
Legal Sketch			\$ 58,415		
Jones Foster - Legal					
Recording Costs				\$ 105	
Easement Abandonment			\$ 36,344	\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 446,353	\$ 105	0.0%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,886,346	\$ 26,136	1.4%

Underground Utility Project Budget
Other Project Costs
December 31, 2019

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 206,046	72.9%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 980,414	\$ 915,944	93.4%

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		\$ 195,366	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs		\$ 487,471	
GO Bond Debt Service	\$ 2,700,000	\$ 2,454,281	90.9%
Total Debt Service and Related Debt Issuance Costs	\$ 2,700,000	\$ 3,432,464	127.1%

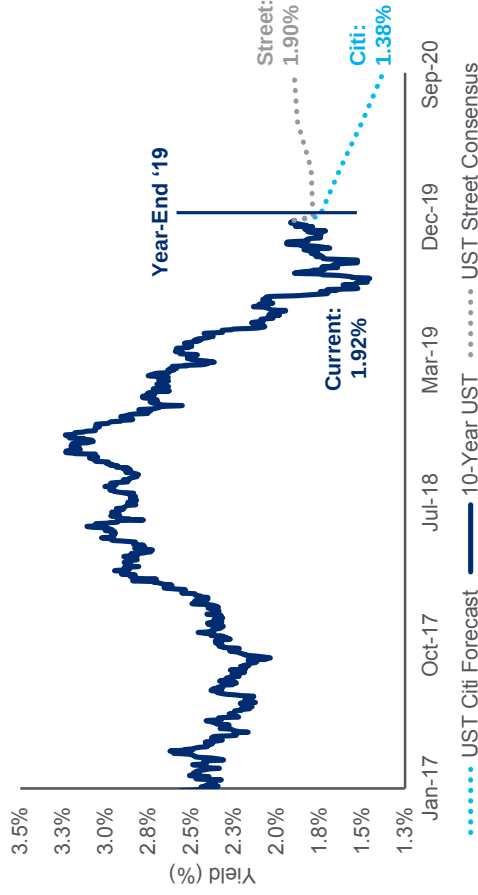
Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 520,075	
PBT Real Estate v TPB		\$ 159,344	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Temp Services - Easement acquisition	\$ 40,000	\$ 23,901	59.8%
Project Manager -Pay and benefits	\$ 454,398	\$ 341,041	75.1%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 1,158,567	\$ 1,888,236	163.0%

U.S. Rate Forecasts

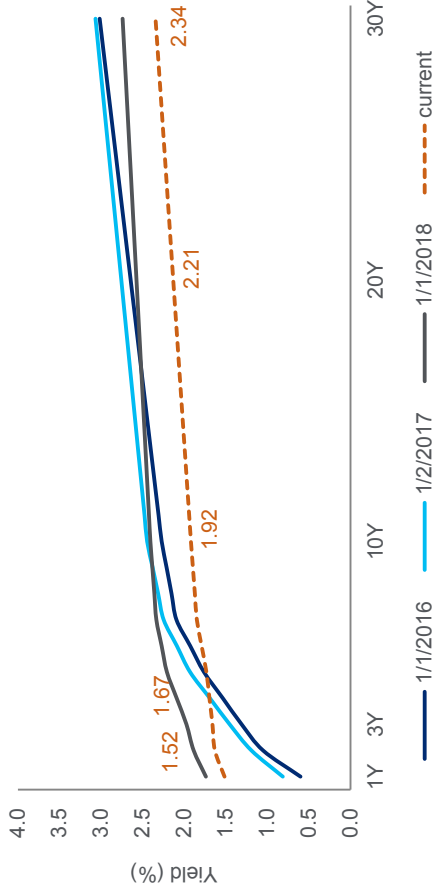
10-Year Treasury Yield Forecast

Citi and the street are forecasting a slightly lower rate environment for the remainder of the year, with diverging rate forecasts in 2020 and beyond



US Treasury Yield Curve

Although the current yield curve is set to end the year the flattest it has ended over the past seven years; it has recently steepened the most in more than a year on a definitive U.S. / China phase one trade agreement



Rate Forecasts

5-Year Treasury		Current	1Q20	2Q20	3Q20	4Q20	1Q21	2Q21
Citi's Forecast		1.73%	1.33%	1.15%	0.98%	0.80%	0.80%	0.80%
Economists' Consensus		1.73%	1.63%	1.67%	1.70%	1.75%	1.78%	1.78%

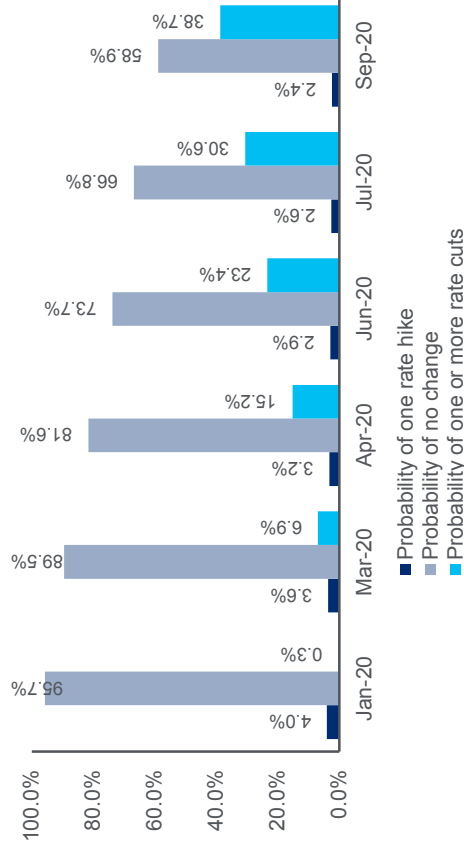
10-Year Treasury		Current	1Q20	2Q20	3Q20	4Q20	1Q21	2Q21
Citi's Forecast		1.92%	1.63%	1.50%	1.38%	1.25%	1.25%	1.25%
Economists' Consensus		1.92%	1.80%	1.88%	1.90%	1.94%	1.99%	1.97%

30-Year Treasury		Current	1Q20	2Q20	3Q20	4Q20	1Q21	2Q21
Citi's Forecast		2.34%	2.13%	2.00%	1.88%	1.75%	1.75%	1.75%
Economists' Consensus		2.34%	2.30%	2.30%	2.26%	2.34%	2.41%	2.40%

Fed Funds		Current	1Q20	2Q20	3Q20	4Q20	1Q21	2Q21
Citi's Forecast		1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%
Economists' Consensus		1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%

Expectations of Fed Change in Interest Rates (Market View)

The market is currently pricing in an increased likelihood of one 25 basis point rate cut in 2020





Underground Utility Project

CASH FLOW ESTIMATE



Cash Flow Assumptions

- Updated Opinion of Cost of Construction – Total of approximately \$128,500,000
- Included Grant Funding of \$8,500,000
- Assumed 2% Rate of Return for Interest Calculation
- Assumed No additional Prepaid Assessments
- Assumed Additional Bond issued in FY2022 at 4% Interest for 26 years using remaining assessment revenue for debt service \$849,361
- Included all 1 cent sales tax revenue approved by the Town Council
- Other costs include: Project Manager, temporary staffing, master plan, community outreach, peer review and other incidental costs.
- Estimate shows adequate funding into Phase 7



Cash Flow Estimate

Townwide Undergrounding Project											
Cash Flow Projection through 2026 with Updated Opinion of Cost											
Fiscal Year	Beginning Cash Balance	Project Income					Project Expenses				
		1 Cent Sales Tax & Transfers In	Bond Deposits	Grant Funds	Assessments and Prepaid Assessments	Interest Earnings	Other Income	Project Costs	Other Costs	Costs for Debt Issuance	Debt Service
2016 A	-				2,530,250			(693,339)			
2017 A	1,836,911	1,027,241				16,531	49,250	(3,946,801)	(91,001)	(64,750)	
2018 A	(1,172,618)	1,130,000			15,688,010	449,285	378,298	(8,321,847)	(1,119,669)	(126,194)	(232,528)
2019 A	6,672,735	635,000		60,499,897	4,338,050	1,719,181	800,654	(7,452,947)	(334,331)	(422,642)	(2,520,133)
2020 E	63,935,465	644,450			4,261,124	1,278,709		(15,594,541)	(139,898)		(3,398,350)
2021 E	50,986,959	651,673			4,251,211	1,019,739		(24,474,489)	(146,893)		(3,398,850)
2022 E	28,889,349	659,257		13,830,055	4,251,211	577,787		(20,161,847)	(154,238)	(276,601)	(3,401,850)
2023 E	24,213,123	667,220		8,500,000	4,251,211	484,262		(19,261,000)	(161,949)		(4,251,211)
2024 E	14,441,656	675,581			4,251,211	288,833		(14,567,000)	(170,047)		(4,251,211)
2025 E	669,024	684,360			4,251,211	13,380		(13,107,000)	(178,549)		(4,251,211)
2026 E	(11,918,785)	500,000			4,251,211	-					(4,251,211)
Total		7,274,781	82,829,952		52,324,700	5,847,709	1,228,202	(127,580,812)	(2,496,575)	(890,187)	(29,956,555)
A= Actual E= Estimate											



Potential Options to Finance Cash Deficit in 2025

- Accumulate and set-aside Town Reserves
- Build funds into the 2021 budget and for the next 5 years
- Use Marina profits once it is operational
- Apply for additional Grant funding
- Issue Revenue Bond Debt and pledge Non-Ad Valorem Revenues or ground lease revenues for payment over 20 years

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of Town Sponsored Business Association Special Events Administrative Procedure

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated January 6, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Administrative Procedure No. 1-15-19**
- ▣ **Code of Ordinances Section 134-36**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Review of Town Sponsored Business Association Special Events Administrative Procedure

Date: January 6, 2020

STAFF RECOMMENDATION

Staff recommends Town Council review the information below and attached, relative to “Town Sponsored” Business Association Special Events, and provide direction as necessary to staff.

GENERAL INFORMATION

Subsequent to the recent car show event on Worth Avenue, there have been some questions and concerns regarding the Town’s “sponsorship” of said event so this report has been provided to provide a little background and context regarding this issue. As the Mayor and Council will recall, Town Council approved the Worth Avenue Association’s request on September 10, 2019, to host a car show on the avenue. Approval of said request by Town Council is required by Administrative Procedure No. 1-15-9 (see attached), hence the reason for the September 10 agenda item.

For background purposes, it is important to know that in May 2015 the ORS Committee, led by former Councilmember, Penny Townsend, at the time, contemplated modifying the Town Code to permit business associations to host special events in the three business districts (without the limitations mandated by the Special Events Permit in Chapter 106, Article VII). Instead, they recommended to Town Council that an Administrative Procedure be developed in accordance with Sec. 134-36 of the Town Code (see attached) to permit town sponsored special events in the three commercial districts organized by recognized Town business associations. A limit of two (2) events per year, per commercial area, was included in the procedure. Said recommendation was approved by adoption of the ORS report and recommendation in June 2015. Since the implementation of the new policy there have been several Town Council approved events that have taken place on S. County Road (in Memorial Park) and on Worth Avenue, including the recent car show.

Attachment

cc: John C. Randolph, Town Attorney
Department Directors



TOWN OF PALM BEACH

Administrative Procedure

Procedure No.....1-15-9

Effective Date.....October 8, 2015

APPROVED: Thomas G. Bradford
Thomas G. Bradford, Town Manager

TITLE: TOWN SPONSORED BUSINESS ASSOCIATION SPECIAL EVENTS

OBJECTIVE:

It is the policy of the Town of Palm Beach to allow for Town-sponsored special events within the public right-of-way or other public lands within the three identified commercial areas commonly described as Worth Avenue, South County Road, and Royal Poinciana Way, by the business associations representing each area. All proposed events will be carefully reviewed, individually approved, and restricted in accordance with the procedures as outlined herein and the Town Code of Ordinances. All expenses pertaining to such special events shall be borne by the association originating the event, and the Town shall be held harmless from any and all liabilities that may arise from such events.

RESPONSIBILITY:

It is the responsibility of the business association requesting Town sponsorship of a special event to complete and submit a Business Association Special Event Proposal Form and provide supporting documents, site plans, etc. to the Town's Director of Recreation, who will ascertain whether or not the proposal is complete and sufficient information has been provided. Once deemed complete, it will be reviewed by multiple Town Departments, including but not necessarily limited to Recreation, Police, Fire Rescue, Public Works, and Planning, Zoning and Building. Each department may provide comments/recommendations regarding event conditions. Once the Director of Recreation is satisfied that such internal review is complete, the application will be presented to the Town Manager or his/her designee for approval prior to Town Council's review and final approval, denial, or approval with modifications.

PROCEDURE:

Each proposal for a special event to be sponsored by the Town shall be weighed on its individual merits and acted upon by the Town Council without regard to precedents. The following rules shall apply to special events:

- The maximum number of such Town-sponsored special events shall be two (2) per calendar year per commercial area, excluding holiday lighting ceremonies traditionally held in November and/or December.
- No more than one (1) special event per day shall be allowed in Town, based upon a first-come, first-served basis.
- Proposals should be submitted at least 90 days prior to the proposed special event and no earlier than one year in advance.
- It is expected that the duration of each event will be eight hours or less. Any and all exceptions from such rule shall be clearly identified within the proposal.
- Obstruction of public rights-of-way may be approved. Obstructions must be clearly identified within the proposal.
- Each proposal must include a detailed site plan identifying vehicular access, pedestrian access, event venue(s), and all related equipment. Barricades and related safety equipment must be provided to the satisfaction of the Town. A Maintenance of Traffic Plan (M.O.T.) may be required depending upon size and complexity of the special event.
- The business association may be responsible for securing any/all regulatory approvals necessary for each such event, including State DOT permit(s).
- Special detail officers, including Police and Fire Rescue personnel, may be required to ensure public safety at such events. The Town shall have authority to require same, and all costs shall be borne by the business association.
- Food trucks shall not be permitted, nor shall any temporary cooking facilities be allowed. All food served at each event shall be prepared in licensed restaurants, or transported to the event from alternate locations.
- A liquor license must be obtained by the business association if money is required to purchase drinks, tickets, coupons, etc. No liquor license shall be required if alcohol is served free of any charge whatsoever.
- Signage of all kinds, including banners and photo backdrops, shall be approved on a case by case basis. Signage must be set up and removed in accordance with the eight hour event restriction unless specifically allowed for longer periods by the Town Council.

- Any special equipment, including but not limited to staging, lights, amplifiers, generators, etc., must be detailed within the proposal, and will be approved, denied, or modified per Town Council approval.
- All equipment not previously identified herein, including but not limited to fencing, barriers, tents, stages, platforms, risers, canopies, portable restrooms, garbage cans, dumpsters, etc., shall be clearly identified within the proposal and shown on a detailed site plan.
- The business association must submit proof of insurance to the Town in accordance with the recommendation of the Town's Risk Manager for each special event, and each certificate of insurance shall name the Town of Palm Beach as an additional insured.
- A Hold Harmless Statement must be provided, in format satisfactory to the Town's Risk Manager, exempting the Town of Palm Beach from any and all liabilities stemming from a special event.
- The Town has the right to require a refundable bond or satisfactory form of cash deposit to be paid as a condition of approval. The bond or cash equivalent will be refunded thereafter, unless the Town determines to retain all or a portion of same for Town-determined remedial expenses.

ATTACHMENTS:

Business Association Special Event Proposal Information and Form



Business Association Special Event Proposal Information & Form

Proposal Process

The proposal process begins when you submit the completed Business Association Special Event Proposal Form to be considered for Town sponsorship. ***Keep in mind that acceptance of the proposal should in no way be construed as final approval or confirmation of your request.***

Upon receipt of your proposal the Town will assign a coordinator to help guide you through the process. The coordinator distributes the proposal to all Town departments for review. During the review process you will be notified if your event requires additional information, permits or licenses. You will be allowed time to provide us with all pending documents.

Delays in providing these items often delay our ability to finish our review and issue a decision on your special event proposal.

You may be contacted individually by these departments if they have specific questions or concerns about your event. Depending on the impact on Town services, a group meeting with all affected departments and the association may be scheduled to clarify questions and concerns.

Proposal Steps:

1. Submit your completed proposal at least 90 days prior to your proposed event. Proposals will be accepted up to 1 year in advance. Completed proposals may be:
 - Delivered: Recreation Center, 340 Seaview Avenue or
 - Mailed: Town of Palm Beach Recreation Department, ATTN: Business Association Special Event Proposal, P.O. Box 2029, Palm Beach, FL 33480 or
 - Emailed: bzickar@townofpalmbeach.com
2. You will be sent an e-mail acknowledgement that your proposal has been received. Your proposal will be reviewed by Town staff, which may take up to three weeks. During this time, you may be contacted by Town staff for clarification of event details.
3. After a full review of your proposal, including Town Council approval, you will receive either a conditions of approval letter or a denial letter. The conditions of approval letter will outline requirements for your event, such as necessary permits, approvals and/or event bonds/cash deposit fees. This may include, but is not limited, to the following:

- Certificate of Insurance showing evidence of a commercial liability policy
 - Copy of Temporary Liquor License, if applicable
 - Traffic/Parking Control Services
 - Inspections
4. Once all the conditions of approval have been met a final Special Event Approval Letter will be issued by the Town.

Fees

It will be the association's responsibility to pay for the cost of all inspections and other Town services (i.e., Police and Fire). Other fees such as permit fees may apply for tents, stages, etc. Depending on the type of event, respective fees may vary. Events will require a refundable security deposit, depending on the type, location and size of the event. Fees can range as follows:

Event Description	Event Size	Security Deposit
Minor	Less than 250 attendees	\$500
Medium	Between 251 – 1,000 attendees	\$2,000
Major	Over 1,000 attendees	\$5,000

For additional information, contact Beth Zickar, Director of Recreation at 561-838-5485 or bzickar@townofpalmbeach.com.



BUSINESS ASSOCIATION SPECIAL EVENT PROPOSAL FOR TOWN SPONSORSHIP

EVENT TITLE _____ EVENT DATE _____

SECTION 1: CONTACT INFORMATION

Business Association	
Representative Name	
E-Mail Address	
Mailing Address	
Primary Telephone	
Secondary Telephone	
Fax Number	

SECTION 2: EVENT INFORMATION

Event Location		
Event Admission Fee	☐ Yes, Amount _____ ☐ No	
Anticipated Attendance		
Event Time	From:	To:
Event Set Up	Date:	Time:
Event Dismantle	Date:	Time:
Event Description		
Is this event part of a larger marketing campaign? If yes, please describe.		

Public Inquiries Contact (Name, Telephone and E-Mail Required)	
Are you requesting any street and/or sidewalk closures?	If yes, specify street and/or sidewalks and time of closures.
Does your event include food concessions? (No On-Site Cooking Permitted)	Anticipated Number of Vendors:
Does your event involve the sale or consumption of alcoholic beverages?	If yes, please check all that apply: ☐ Free Alcohol ☐ Distilled Spirits ☐ Alcohol Sales ☐ Beer ☐ Wine <i>If alcohol is sold at an event, the applicant is required to obtain a temporary liquor license from the Division of Alcoholic Beverages and Tobacco. Copy of temporary liquor license must be provided to Town prior to event date. Additional insurance requirements and police enforcement will be required.</i>
Does your event require amplified sound and/or music? ☐ Yes ☐ No	If yes, please check all that apply: ☐ Amplified sound for announcements only ☐ Amplified sound for recorded music ☐ Amplified sound for live music <i>Approval of a Special Event Proposal does not necessarily exempt the planned event from the requirements of the Town of Palm Beach's Noise Ordinance.</i>
Will you be installing any temporary signage? ☐ Yes ☐ No	If yes, list number, description and location: <i>Compliance with Section 134-2371 of the Town of Palm Beach Code of Ordinances is required.</i>
Do you plan to provide portable comfort stations at your event? ☐ Yes ☐ No	If yes, how many stalls will be in each station: _____ ☐ Yes ☐ No Is comfort station ADA accessible? <i>If not providing, provide information as to availability of restroom facilities in the immediate area of the event site that will be available to the public, include ADA accessible and non-ADA accessible.</i>

Will you be installing any temporary structures? ☐ Yes ☐ No	If yes, identify number and size of tents & canopies: Delivery Date: _____ Removal Date: _____ Stage/Platform/Riser Dimensions: Length: _____ Width: _____ Height: _____ Delivery Date: _____ Removal Date: _____ <i>Vendors will be required to provide a certificate of commercial general liability insurance in an amount to be determined by the Town, listing the Town of Palm Beach as additional insured. Permits may be required.</i>
Will funds be solicited for any charities? ☐ Yes ☐ No	If yes, list charities: <i>A Charitable Solicitation Permit must be submitted no less than 60 days prior to event date in addition to this proposal form.</i>
Will this event utilize a generator(s) ☐ Yes ☐ No	If yes, list the number and size of each:
Site Plan	Please include a complete site plan of the proposed event, including: • An outline of the event site including the names of the streets or areas that are part of the venue and the surrounding area. • Any street or lane closure requests. • The locations of fencing, barriers and/or barricades. Include any removable fencing for emergency access. • Vehicular access. • Pedestrian access. • Location of stages, platforms, risers, canopies, tents, comfort stations, dumpsters and any other temporary structures. • Generator locations and/or source of power. • Placement of vehicles and/or trailers. • Anticipated parking locations. • Vendor locations. • Temporary signage locations. • Locations of all other event activities.

**FOR OFFICIAL USE ONLY
DEPARTMENT REVIEW**

Recreation

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Police

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Fire Rescue

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Public Works

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Planning, Zoning & Building

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Town Manager's Office

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

- After final Department review, please return to the Recreation Department.

Sec. 134-36. - Powers of director of planning, zoning and building; town council and town council order for issuance of building permits for variances and special exceptions.

- (a) The director of planning, zoning and building is given the duty, power and authorization to enforce this chapter. He or she shall oversee the examination of all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with requirements of this chapter. The building official shall record and file all applications for permits with accompanying plans and documents and shall make such reports to the planning and zoning commission and/or town council as may be required.
- (b) The town council shall have the power to waive zoning provisions in this chapter regulating the use of public rights-of-way to allow town sponsored events provided that the waiver is consistent with the town's comprehensive plan, and further, that there is a favorable vote to grant the waiver by four members of the town council at a regularly scheduled town council meeting.
- (c) Building permits for a variance from the requirements of this chapter and for such special exception uses as may be enumerated in this chapter shall be issued only upon written order of the town council.

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request from the Palm Beach County Bar Association Young Lawyers Section (PBCBA YLS) for 5K Run/Walk Event

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▢ **Memorandum Dated January 6, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▢ **Application for Special Event Permit**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Review of Special Events Ordinance to Establish Town Council Approval Criteria for Races, Walks and Runs on Public Property

Date: January 6, 2020

STAFF RECOMMENDATION

Staff recommends the Town Council review and provide direction, relative to the Special Event Permit application from the Young Lawyer's Section, Palm Beach County Bar Association for a 5K run/walk beginning and ending in Bradley Park on Saturday, April 4, 2020.

GENERAL INFORMATION

On August 14, 2019, the Town Council passed and adopted Ordinance No. 30-2019, requiring applications for special events that involve leaving the primary event location to utilize public sidewalks, streets, and/or bike paths shall receive Town Council approval prior to issuance of a special event permit.

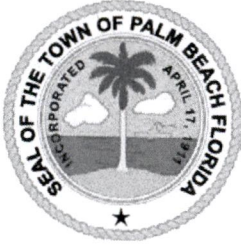
The Young Lawyer's Section, Palm Beach County Bar Association is requesting Town Council approval for their PBCBA YLS 5K Run/Walk event scheduled for Saturday, April 4, 2020, from 5:30 am to 10:00 am, beginning and ending in Bradley Park, and limited to the Lake Trail only. The event attendance is expected to include approximately 160 participants and 20 spectators. The event will begin at 7:30 am with a non-amplified start and conclude between 9:00 am to 9:15 am and all clean-up will be done by 10:00 am. Police presence will be required to ensure participant, spectator and pedestrian safety. A copy of the Special Event Application packet, proposed route and letter from Scott Richards, Young Lawyers Section Board Member, is enclosed for your consideration. Staff has reviewed the request and has no concerns.

FISCAL IMPACT

In addition to the normal application fee and refundable damage deposit required for this event, as a non-resident organization, \$250/hr will be charged to host this event. If approved, the Town will receive \$1,125 in revenue.

Attachment

cc: Department Directors



RECEIVED T-19-0431
DEC 13 2019

Town of Palm Beach
PZB Dept

TOWN OF PALM BEACH

Office of the Town Clerk

NON-REFUNDABLE
APPLICATION FEE
\$250.00

\$250
\$1000 DMG
\$1250 USAGE

APPLICATION FOR SPECIAL EVENT PERMIT

Application is due to the Town Clerk's Office no less than 45 days and no more than 9 months for Palm Beach residents and 7 months for non-residents, prior to event date.

APPLICANT INFORMATION		
Name:	Scott Richards	
Address:	1279 W Palmetto Pk Rd #3392 Boca Raton, FL 33486	E-mail: palmBeachRunningCompany@gmail.com
Phone Number:	561-289-4884	Cell #: 561-289-4884

ORGANIZATION INFORMATION		
Name:	Young Lawyers Section, Palm Beach County Bar Association (YLS)	
Address:	1507 Belvedere Rd. WPB, 33406	E-mail: pcarvajal@legalaiddpbc.org
Phone Number:	Work-561-655-8944 x 279	Cell #: Paula Carvajal, Esq.
*501(c)3 #:	See Attached	
*Will any fundraising be taking place during this event? Y/N	NO	*If yes, a separate <u>Charitable Solicitation Permit</u> will be required.

CONTACT INFORMATION		
Name:	Scott Richards	
Address:	1279 W Palmetto Pk Rd #3392 Boca Raton, FL 33486	E-mail: PalmBeachRunningCompany@gmail.com
Phone Number:	561-289-4884	Cell #: same

APPLICATION FOR SPECIAL EVENT PERMIT

EVENT INFORMATION			
Name:	PBCBA YLS 5K (Palm Beach County Bar Association Young Lawyers Section)		
Address/ Location:	Bradley Park, 100 Bradley Park, Palm Beach, 33480 & Lake Trail		
Day and Date	April 4th, 2020		
Start and End Time Note: 5 hour time limit including set-up and clean-up	Set up starts around 5:30 Registration and Bib Pick up 6:00 to 7:15 Race 7:30 to 9:00 Awards 9:00 to 9:30 Clean-up 9:15 to 10:00 5:30 — 10:00 = 4.5		
Purpose:	5K run/walk, active charitable event for lawyers, judges, and their families.		
Provide a detailed description of activities – include maps, pictures, and illustrations. Note: No amplified music.			
See Attached map			
Approximate number of participants:	160	Approximate number of spectators:	20

TRAFFIC/PARKING INFORMATION	
Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify: See Attached	
List the different forms of transportation to be used by participants: See Attached	
Where will event attendees park?	(Note: Royal Poinciana Plaza parking is not permitted.)
See Attached	
Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used: See Attached	
Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and or shut down of the non-permitted valet services (www.townofpalmbeach.com) (On the Home page, click on “Doing Business”, then go to “Permits and Licenses”).	

APPLICATION FOR SPECIAL EVENT PERMIT

STRUCTURE/TENT INFORMATION

Will a temporary structure/tent be used? If yes, provide the size (a separate permit is required in the Planning, Zoning and Building Department for tents/stages):

2-4 10x10 personal pop up tents for timing, registration, awards, in case of rain

INSURANCE INFORMATION

Name of
Applicant's
Insurance Company:

Mount Vernon Fire Insurance Company (NAIC #26522)
Insurance has been ordered!

Address:

Phone #:

561-622-2550

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than \$1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. **Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form.** Y / N

CLEANUP INFORMATION

Outline provisions for immediate cleanup after Special Event:

We take back what we bring in!

CHECKLIST

Before you sign and date your special event application, please make sure that the following steps have been completed:

- ☐ Complete all the necessary information
- ☐ Pay application fee \$250
- ☐ Attach a site plan
- ☐ Attach a Certificate of Insurance
- ☐ Set up a pre and post inspection meeting with Public Works Staff and Police (if applicable)
- ☐ For events that require tents – please fill out a tent permit application (separate)

APPLICATION FOR SPECIAL EVENT PERMIT

PAYMENT INFORMATION

An application fee of \$250 is due upon the time of submittal if the application is received at least 45 days in advance. A fee of \$100 will be assessed in the event of a late application.

Any individual or organization that holds an event on Town of Palm Beach property that does not abide by the authorized use, rules and regulations, or that causes additional costs to the Town may lose all or a portion of their damage deposit. **Damage deposit and the applicable usage fees are due upon receipt of the permit. Payments may be made by cash, credit card or by check made payable to the Town of Palm Beach. (see fee table below).**

For office use only:

Date application fee payment received:	12/13/2019	Cash	Check No. V#2769 \$250.00	Credit Card
Date damage deposit and non-resident usage fee received:		Cash	Check No.	Credit Card

Fee Table for Special Events

Location	Non-Refundable Application Fee	Refundable Damage Deposit	Non-Resident Usage Fee
Bradley Park	\$250	50 people or less: \$200 51-100: \$500 Over 100: \$1,000	50 people or less: \$75/hr 51-100: \$150/hr Over 100: \$250/hr
Memorial Park	\$250	50 people or less: \$200 51-100: \$500 Over 100: \$1,000	50 people or less: \$75/hr 51-100: \$150/hr Over 100: \$250/hr
Lake Drive Park	\$250	50 people or less: \$100 51-100: \$200 Over 100: \$500	50 people or less: \$50/hr 51-100: \$100/hr Over 100: \$200/hr
Phipps South Ocean Park	\$250	50 people or less: \$100 51-100: \$200 Over 100: \$500	50 people or less: \$50/hr 51-100: \$100/hr Over 100: \$200/hr
Phipps South Ocean Park (Chickee Hut Only)	\$250	\$100	\$75/hr
Public Beaches	\$250	\$100	\$0
All Other Public Spaces	\$250	\$100	\$0

REGULATIONS

The following regulations apply to all Special Events held within the Town as per the attached Section 106.257 of the Town Code of Ordinances:

1. There shall be no more than one Special Event held at the location requested on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.
2. The maximum total duration of each Special Event including the set-up and clean-up thereof shall be five hours.
3. Any signs, props, or displays used in conjunction with the Special Event must be removed immediately after the time permitted for the Special Event has expired.
4. The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.
5. The use of decorated vehicles and trailers in connection with the event is prohibited.
6. The granting of a Special Event Permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the Town shall be empowered to apportion such streets and intersections for simultaneous use by Special Event participants and vehicular and pedestrian traffic.
7. The concentration of persons and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to areas contiguous to the assembly area or other areas of Town.
8. There are sufficient parking places near the site of the Special Event to accommodate the approximate number of automobiles reasonably expected to be driven to the Special Event.
9. The event is not otherwise in violation of ordinances or regulations of the Town, state, or federal law.

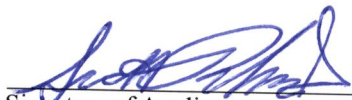
APPLICANT AGREEMENT

The applicant from page 1 by endorsement, agrees to the following statement:

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein including the requirement that the Special Event chairperson or other person heading or leading such Special Event shall carry the Special Event Permit upon his/her person during the conduct of the Special Event and shall present at the Special Event.

Any person determined to be in violation of the provisions of the Town Code regulating Special Events on public property, not relating to revocation of the permit, where such a violation also constitutes violation of any law or regulation of the State, such violation shall be punished in the same manner and with the same limits as is provided by law or regulation, it shall be punished by a fine of not more than \$500.00 or a term of imprisonment not in excess of 60 days, or both such fine and imprisonment, in discretion of the court.

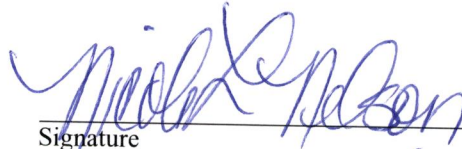
WITNESS:



Signature of Applicant

Scott Richards

Print Name



Signature

Nicole L. Nelson

Print Name



PALM BEACH COUNTY BAR ASSOCIATION YOUNG LAWYERS SECTION

PRESIDENT
ANDREA LEWIS
PRESIDENT ELECT
JACK RICE
SECRETARY
SCOTT PERRY
TREASURER
ROBERT WIGHT

P.O. BOX 17726
WEST PALM BEACH, FL 33466
TELEPHONE: (561) 687-2800
www.palmbeachbar.org
e-mail: ctbrown@palmbeachbar.org

CARLA THARP BROWN
EXECUTIVE DIRECTOR

December 3, 2019

Please accept the enclosed application for a special event permit from the Young Lawyers Section of the Palm Beach County Bar Association. Our proposed event, a 5K run/walk largely involving our local legal community and their families, is virtually identical to the permitted events we held in the Town in 2019, 2018, 2017 and 2016. Our past four events were very successful, drawing participation from several lawyers and their families, as well as members of our judiciary. The small size of the event allowed our members and their families to socialize easily in an informal setting and a beautiful location. By the end of the race, most of our participants work up an appetite and make the short walk to the Town's local restaurants. Most importantly, our event has been able to raise thousands of dollars for our beneficiaries, which in the past have included the Historical Society of Palm Beach County and the Legal Aid Society of Palm Beach County, Inc. This year, our intent is to continue our charitable relationship with the Legal Aid Society of Palm Beach County, Inc., helping to provide equal access to our legal system for the less fortunate in our community.

Our proposed event is again very intimate. We estimate that 15% of our participants will be Town residents or professionals with their primary place of business in the Town. Approximately fifteen (15) volunteers will be present to ensure participant safety and assist with cleanup during and immediately following the race. We do not anticipate or plan to accommodate any spectators (in our last two events, we had none). Participants and volunteers will be encouraged to carpool and park their vehicles in the public parking surrounding Bradley Park. In the past, we made arrangements for overflow parking at private property, however, we found that to be unnecessary. We will again encourage our participants with businesses in downtown West Palm Beach to carpool and shuttle from their workplace.

The event will be held on Saturday, April 4th, 2020, at Bradley Park. It will begin at 7:00 a.m., with the race itself beginning promptly at 7:30 a.m. Commencement will be indicated via an audible, non-amplified start. Participants will be encouraged to pick up their race packets before the event at a convenient location in West Palm Beach, significantly limiting the amount of traffic at the event site prior to the start time.

We have chosen a race route that is identical to the route used last January, and similar to the Turkey Trot that the Town has hosted in the past. Runners will begin at the Lake Trail, near Bradley Park. A copy of the proposed route is enclosed with our application. Unlike the Turkey Trot, our participants turn left at the intersection of Wells and North County roads, and run or walk on the sidewalk along the western side of North County Road. The sidewalk along North County Road is relatively wide and readily capable of accommodating our small group of runners and walkers. Runners will turn left at Plantation Road and run

west to the Lake Trail. Police presence will be secured to ensure participant safety. Their locations are indicated on the enclosed route. A fire-rescue station is located near the center of the course.

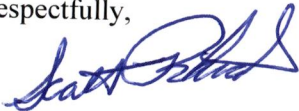
We have again attempted to prevent any inconvenience to the Town residents by limiting the use of Town roads and public parking. We will work with a professional race management company to ensure the event commences and concludes in a swift manner. Volunteers will follow and accompany participants to supervise, perform any necessary cleanup, and discourage participants from running or walking on non-paved surfaces and private rights-of-way. Our previous event received no complaints from Town residents, and we plan on continuing that trend in the future.

At the conclusion of our event, participants and their families will congregate in Bradley Park to receive awards and refreshments. The event will conclude between 9:00 a.m. and 9:15 a.m. All cleanup will be done by 10:00 a.m. After the event concludes, we will encourage all of our participants to visit Town businesses along Main Street and South County Road for breakfast and brunch. Similar to our past two events, we will strive to partner with local restaurants and businesses to offer post-event breakfast and brunch specials to participants, ensuring that Town businesses will benefit from our event.

Thank you for reviewing this application. We have worked hard over the past three (4) years to create an event that benefits Town businesses while also respecting the tranquility of the Town and the privacy of its residents. We appreciate your consideration and are willing to modify our proposal and make other arrangements to accommodate the needs of the Town.

If you have any questions, please do not hesitate to contact me at at (561) 289-4884 and PalmBeachRunningCompany@gmail.com Or Paula Carvajal 561-655-8944 x 279 pcarvajal@legalaidpbc.org

Respectfully,



Scott Richards

cc. Steven C. Williams & Paula Carvajal

Young Lawyers Section Board Member

ADDENDUM TO APPLICATION FOR SPECIAL EVENT PERMIT

Event Information (Continued from Page 1)

Provide a detailed description of activities—include maps, pictures, and illustrations.

YLS is applying for a special event permit to host an intimate 5K run/walk event for lawyers and their families at Bradley Park and along the Lake Trail. Details of the event are provided on the preceding pages. Race course information is also included with this application. Profits will be donated to the Legal Aid Society of Palm Beach County, Inc.

Traffic/Parking Information (Continued from Page 2)

Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify:

If needed. Traffic control will be provided by Town Police at the expense of YLS at the points designated on the attached race course. We will not need crowd control or support facilities to accommodate this small event.

List the different forms of transportation to be used by participants:

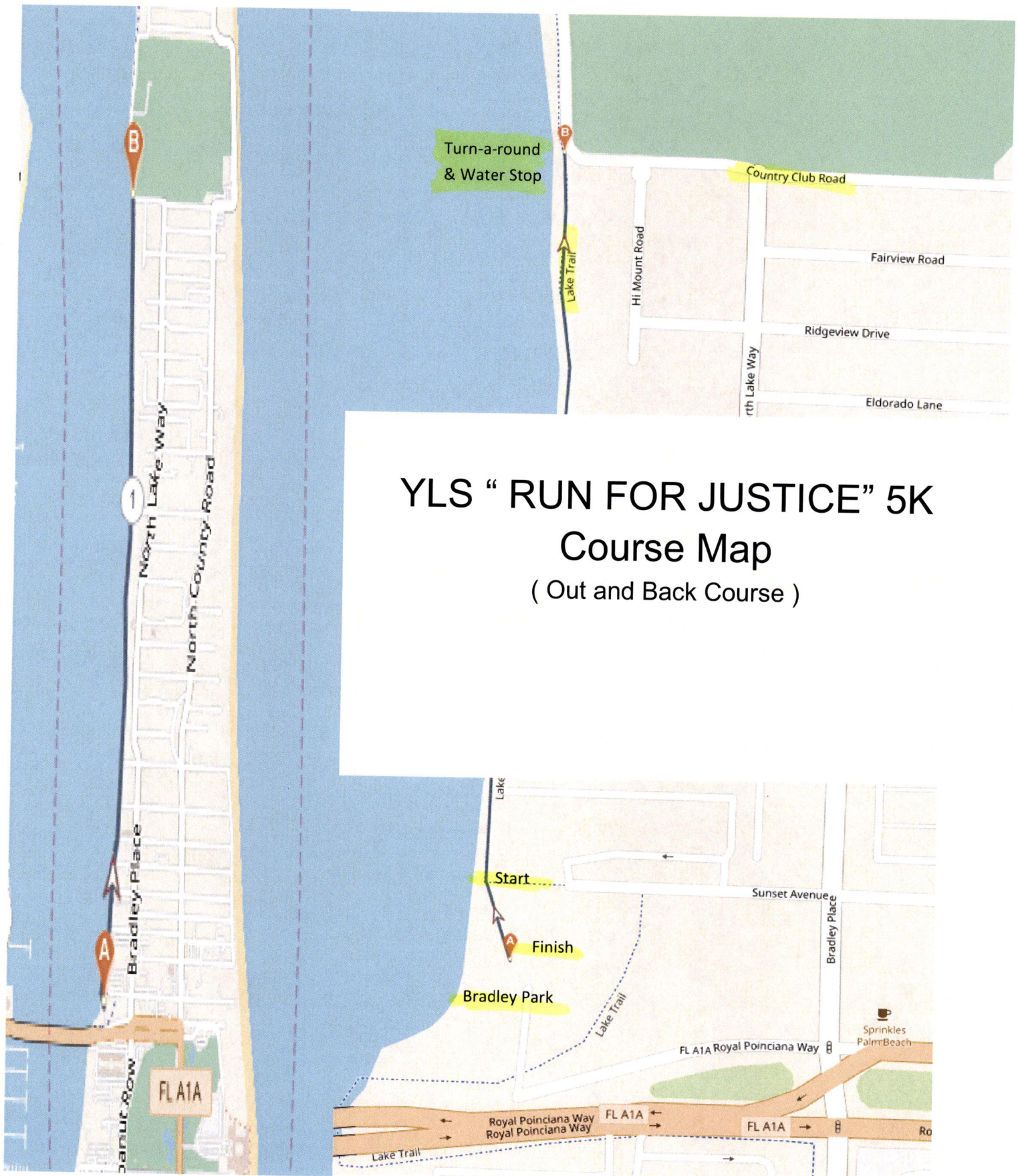
Participants with workplaces in downtown West Palm Beach and Palm Beach will be encouraged to carpool and walk to the event.

Where will the attendees park?

Participants will self-park at public parking surrounding Bradley Park. “Overflow” parking will not be needed. Participants with downtown West Palm Beach work places will be encouraged to carpool and shuttle from their workplaces.

Provide a reasonable estimate of parking volume generated by the event and type of parking that will be used:

Parking volume is estimated to be less than 75 personal cars. Participants will be encouraged to self-park at public parking in the Bradley Park area. “Overflow” parking will not be needed. No valet parking will be used.



TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion of the Town's Role in the 2020 Townwide Event to Celebrate the 100th Anniversary of the Ratification of Women's Right to Vote in America

THERE IS NO BACK-UP FOR THIS ITEM

Presenter

Bobbie Lindsay, Town Council Member

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion Regarding Saturday Quiet Work, As Permitted by Ordinance No. 03-2018

Presenter

Julie Araskog, Town Council Member

ATTACHMENTS:

- ▣ **Ordinance No. 03-2018**

ORDINANCE NO. 03-2018

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; AMENDING SECTION 42-198, RELATING TO THE OPERATION OF CERTAIN MACHINERY; EXPANDING THE PERIOD OF THE YEAR DURING WHICH THERE IS A PROHIBITION ON THE OPERATION OF SAID MACHINERY; PROVIDING FOR ADDITIONAL PROHIBITIONS; AMENDING SECTION 42-199, HOURS FOR CONSTRUCTION WORK, AT SUBSECTION (b) SO AS TO EXPAND THE LIMITATIONS ON THE MONTHS, DATES AND TIMES DURING WHICH CONSTRUCTION WORK MAY BE UNDERTAKEN; AMENDING SECTION 42-230, LAWN MAINTENANCE EQUIPMENT NOISE, SO AS TO PROVIDE THAT LAWN MAINTENANCE SHALL BE LIMITED TO THE HOURS OUTLINED FOR CONSTRUCTION WORK SET FORTH IN SECTION 42-199; PROVIDING EXCEPTIONS FOR THE OPERATION OF LAWN MAINTENANCE EQUIPMENT BY RESIDENTS, AND FOR GOLF COURSE MAINTENANCE EQUIPMENT; PROVIDING REGULATIONS RELATING TO THE OPERATION OF LEAF BLOWERS, AND PROHIBITING THE COMMENCEMENT OF LARGE SCALE LANDSCAPE INSTALLATION AT ANY TIME ON SATURDAYS; 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, Division V, Noise, Section 42-198 to read as follows:

"Sec. 42-198. Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.

- (a) *Prohibited.* During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30 no person shall operate or cause to be operated the following machinery or equipment within the town:
 - (1) Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.

- (2) Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.
- (3) Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.
- (4) Dry sandblasting machines and jackhammers.
- (5) Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.

(b) *Exceptions.*

- (1) It shall be within the discretion of the town council when, in its opinion, the operation of any of the prohibited machinery or appliances mentioned in subsection (a) of this section shall not be overly offensive to the residents or inhabitants of the town, in the vicinity of the equipment's operation, to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operation during emergency conditions shall be exempt from subsection (a) of this section."

Section 2. Chapter 42, Article V, of the Town's Code of Ordinances is hereby amended at Section 42-199 to read as follows:

"Sec. 42-199. - Hours for construction work.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Construction work means work of a physical nature requiring a permit in accordance with the provisions of this Code and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.

- (b) *Limited.* Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by Section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of

8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in Section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).
- (3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for nontown related essential services may be authorized at any time during the year.
- (4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30.
- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may,

by resolution, temporarily amend the hours for construction work referenced herein."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 42, Environment, Division V, Noise, Section 42-230, to read as follows:

"Sec. 42-230. Lawn maintenance.

- (a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and leaf blowers shall be subject to the same restrictions as heavy equipment as described in said section.
- (b) Nothing in this section shall preclude the operation of lawn maintenance equipment by residents after 9:00 a.m. 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; 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 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.
- (c) 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.
- (d) 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.
- (e) There shall be no commencement of large scale landscape installation at any time on Saturdays."

Section 4. 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 5. 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.

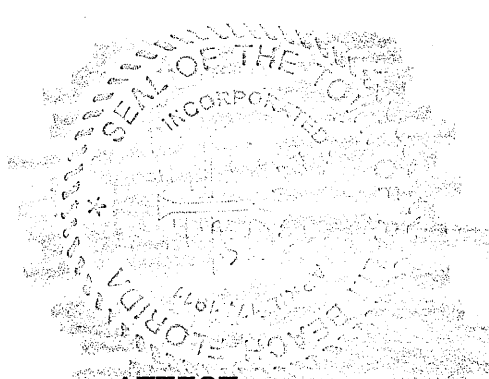
Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of January, 2018, and for second and final reading on this 13th day of February, 2018.


Gail L. Coniglio
Gail L. Coniglio, Mayor

Richard M. Kleid
Richard M. Kleid, Town Council President

Danielle H. Moore
Danielle H. Moore, Council President Pro Tem

Julie Araskog
Julie Araskog, Town Council Member

Bobbie Lindsay
Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez
Kathleen Dominguez, Town Clerk

Margaret A. Zeldman
Margaret A. Zeldman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Regular Agenda - New Business

Agenda Title

Consideration for ORS Committee to Study Regulations Pertaining to the Use of Synthetic Turf

Presenter

Bobbie Lindsay, Town Council Member

ATTACHMENTS:

- ▣ **Artificial Turf**
- ▣ **Why Artificial Grass is Bad for the Earth**
- ▣ **Turf it out: Is it Time to Say Goodbye to Artificial Grass**



10 REASONS WHY ARTIFICIAL TURF MAY NOT BE WHAT YOU'RE LOOKING FOR

EVENT CALENDAR CATEGORIES ARCHIVES

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13 It seems like the perfect solution. Replace thirsty lawns with something that plays the part yet is perfectly (un)dead and therefore requires *no* water, *no* maintenance, and *no* sweat. But the story of artificial turf is not as simple as it sounds, and most of that has to do with the “*no* sweat” part of it. Let me explain.

6 We get so much more from living plants than just a splash of color. And, as thirsty as our iving lawns are, they provide so much more than a place to tumble around on. For those of us who want the look and feel of grass *and* the water requirements of concrete, artificial turf might seem like the answer. Just make sure you know what you're getting into.



Is Artificial Turf the Right Choice?



Here are ten reasons why artificial turf may NOT be the answer you're looking for....

1. IT'S ACTUALLY A PLASTIC RUG

It looks perfect ... at first. That's because it's made of plastic and recycled rubber from tires. You're essentially laying down an outdoor carpet, albeit one that has been meticulously designed to look like a natural plant material. Typically, polyethylene, polyester, polypropylene, nylon, or a hybrid of these different materials is used to make the “blades” of grass. The blades sit on layers developed through primary and secondary padding material, which receives an acrylic coating before being coated by other chemicals, such as polyurethane or latex. The spaces between each blade are filled with some kind of infill material, most often sand and crumb rubber, usually made from recycled tires.

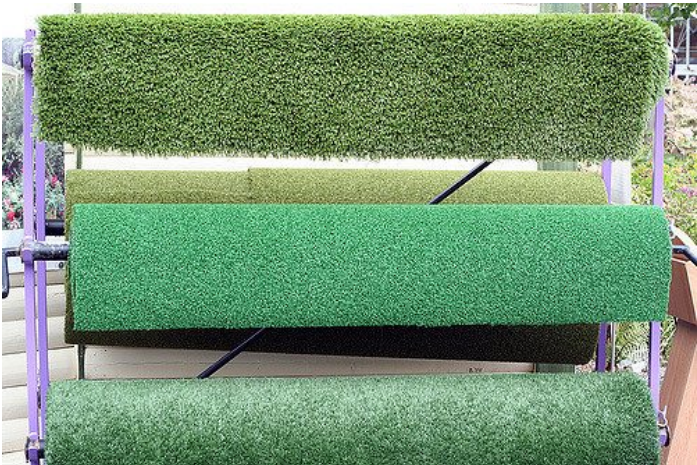


Photo by www.crinklecrankle.com/

2. IT ADDS TO THE URBAN HEAT ISLAND EFFECT

Because it is essentially made of plastic and rubber, not plant material, it doesn't offer any of the benefits of plants, such as abating the urban heat island effect. More on this later....

3. YOU WILL NEED TO CLEAN IT

Just like any other rug, it will collect bits and pieces of pet and bird droppings and liquids from humans (saliva, blood, or sweat). Unlike natural plant materials, which lose parts and regrow them, the blades and the bedding of artificial turf remain the same. You'll need to rake it to fluff up and straighten the fibers. And you'll need to hose it down with water. In fact, for most professional and recreational spots use, the Synthetic Turf Council suggests the installation of a manual or automatic irrigation system with artificial turf to improve field sanitation and to make it more comfortable for players in warmer climates.

4. IT IS NOT AS SAFE AS YOU THINK

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Why would artificial grass need an irrigation system when installed in a warm climate? Well, it can get really hot. Surface temperatures of artificial grass are about 20-50° F higher than natural grass and typically reach the same temperature as asphalt pavement. The highest temperature measured during research was 200° F. Wow! Now, manufacturers of the product are aware of the issue and are working to improve how hot the materials get. The Synthetic Turf Council has even published guidelines for minimizing the risk of heat-related illness. Still, it's plastic in the Valley of the Sun, not a great pairing if staying cool in your yard is a priority for you.



5. IT IS NOT AS SOFT AS YOU THINK

It's hard, and it can hurt if you fall while playing sports or tumbling around with the dog. Unlike grass, it doesn't give (it's a rug, after all). If there's concrete under the artificial turf, it'll obviously make it worse. But even a sand base can be hard because it becomes compacted without roots and added moisture. Manufacturers of artificial turf and associated components have been working on improving the design to improve the experience for sports, such as increasing shock absorbency and reducing likelihood to cause skin abrasions. It's better than it used to be, but it is still a problem you should consider before choosing to go artificial for kids or pets.

6. IT WILL NEED TO BE REPLACED

Eventually, you will need to replace the artificial turf. Its life expectancy is still unknown. Some companies claim a life expectancy of 15 to 20 years, while critics are estimating closer to eight years. We've experienced the incredible ability of the Arizona sun to destroy rubber and plastics, so any estimates (and cost recovery estimates) will need to take that into consideration. Like any other product, as technology and design improves, the life expectancy will improve, as long as the product is *properly maintained*. Proper maintenance of artificial turf can help maximize the appearance and longevity of that product. Routine maintenance includes keeping the product clean, ensuring that the infill material is kept at proper levels, and brushing the surface to keep grass fibers upright and infill even. The design, installation, and quality of the product that you purchase are just as important.

7. IT'S EXPENSIVE AND UNTESTED

This has to be asked Are you ready to invest a large sum of money to install a product that has not been tested under desert conditions? Installation costs can range from \$5 to \$20 a square foot. Consider how willing you are to risk this investment by thinking about the following questions: How long will these products last? What will happen to the chemicals in this product if the components begin to break down in my landscape? How much hotter will my landscape get? Will it make my house hotter in the summer and increase my energy bills? How will the summer temperatures affect any plant materials that are nearby? If you decide that this product is for you, just make sure you research both the company and the product to ensure it is high quality. [The Synthetic Turf council has minimum specifications for turf grass that may be helpful.](#)

8. IT'S NOT ENVIRONMENTALLY FRIENDLY

Many of us are drawn to artificial turf because we care about the environment. We want to save water. We want to save time. We're tired of the grueling tasks of mowing and weeding, as well as applying fertilizers and pesticides when they're needed. However, if your priority is caring for the environment, artificial turf is not going to be the best option. It's made of plastic and difficult to recycle and reuse. In fact, while manufacturers promise recyclability, it is likely to end up in a landfill. When components break down, it's possible for the chemicals or plastic materials to escape into the rest of the environment. Instead of increasing the life of your soil, it compacts soil and creates an inhabitable environment for the living organisms in your soil, rendering it unable to grow plant materials until that soil has been brought back to life.

9. IT DOESN'T SWEAT

Plants don't actually sweat – they transpire. Artificial turf does neither. This is a big deal if you're expecting the turf to not just look the part but also act the part of passively cooling the environment. Plants have pores on their leaves that take in carbon dioxide and release oxygen (air we breathe) and water molecules. These water molecules almost immediately evaporate, cooling the environment. This cooling effect is not just great for us humans and our energy bills; it's also appreciated by other plants. The more plants you have, the cooler the environment. Unfortunately, artificial grass can't provide that powerful cooling effect.



19 10. SERIOUSLY, IT'S NOT A PLANT

See, it really comes down to why we grow plants in the urban environment. Plant materials provide so much more than just aesthetic value. They help improve water and air quality, reduce temperatures, reduce storm water runoff, and provide habitats for animals, insects, bees, and birds. With our increasingly built urban environment, less and less of our land is porous, allowing rainwater (and, sadly, irrigation runoff) to infiltrate into our soil, which acts as a natural filter. This means our landscapes need to act more like sponges, allowing water to move slowly over the soil and spread its benefits. Contouring the landscape helps water sink into the soil, and adding plant materials and mulch increases the absorbency of our soil. Artificial turf is an investment in fancy outdoor carpeting, but it is not an investment in a lively, beneficial landscape that keeps our cities cool, provides a natural habitat for wildlife, and gives back to the environment that sustains us.

SO, WHAT SHOULD YOU DO INSTEAD?



A beautiful low-water-use landscape can still include small amounts of grass, along with a variety of desert-adapted plants, trees and hardscape, such as pavers,

A functional amount of artificial turf might still work for you, depending on your goals for your landscape. To know for sure, consider designing with Xeriscape, a creative approach to landscape design with water in mind. The [principles of Xeriscape](#) help everyone plan and maintain a landscape that meets your family's wish list while also conserving water and contributing to the local environment. Don't miss Water – Use It Wisely's new [10-part video series on transforming your landscape from drab to fab](#).

*From time to time, Water – Use It Wisely features guest blogger who write about topics related to water and water conservation. The author of this blog post, **Tina Sleeper**, is a **Water Conservation Coordinator** with the city of Tempe, one of 18 Water – Use It Wisely [partners](#) to offer water-saving advice and programs. And special thanks to Donna DiFrancesco, Conservation Coordinator with the City of Mesa, and Kai Umeda, Extension Agent in Turfgrass Science with the University of Arizona Maricopa Cooperative Extension, for their contributions.*

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Why Artificial Grass Is Bad for the Earth



Artificial turf is bad for people, for animals and for the earth.

Rossmoor was smart in limiting the use of artificial turf to our dog park. The plan was well researched; it has complete shade, was properly installed and is cleaned regularly with appropriate compounds. And users get their paws washed after a visit. Unfortunately, many Californians now regret their uninformed decisions to replace real lawn with fake — assuming it would save water as well as maintenance time and money.

Members of the Rossmoor Water Conservation Committee were encouraged to testify when EBMUD voted last month on whether to offer a rebate for users who replaced real grass with fake grass. So we did some research and learned a lot from experts there.

Why is Artificial Grass Harmful?

Artificial turf retains heat. Temperatures reach nearly 200 degrees F both above and below it [“Synthetic Surface Heat Studies” Brigham Young University, 2002]. Typically, pets and barefoot children cannot tolerate walking on it on warm, let alone hot days. It creates a “heat island” effect, which holds in heat during the day and releases it at night – not what we need during a drought.

Underneath, it kills healthy soil bacteria, worms and root systems. It must be watered regularly to keep it cool — water that can be better used to maintain any of several types of drought-resistant sod (if a playing surface is needed) or lush drought-resistant planting. It also requires water to wash it, and is far from maintenance-free. Herbicides (like Roundup) and fungicides are included in the washing — both are bad for the water table below. Real lawn or plants absorb carbon dioxide from the air and release oxygen. Artificial turf doesn’t, and sadly it diminishes the incentive to learn healthy drought-sensitive planting, mulching and irrigating.

Another serious drawback is its expense; current prices range from \$8 to \$15 per square foot. It can easily cost \$5,000 to cover a small yard and over \$100,000 for an athletic field. The cost includes preparing the ground and using specific layers of padding underneath to help drainage. The older forms of artificial turf were made of various synthetic ingredients, including crumbled old tires. These

are considered more toxic for reasons I'll include below, but they are still on the market, and are typically sold more cheaply – attracting cost-conscious buyers.

It's Toxic Too

The toxins in artificial turf threaten our health via contact, consumption (via water), and inhalation. All these routes expose humans and other living things to acetone, arsenic, benzene, chromium, halogenated flame retardants, lead, mercury, dioxin, carbon black, styrene and Butadiene. These chemicals have been proven to cause cancer and other diseases. As the turf degrades over time, larger quantities of chemicals are released.

When worn-out synthetic turf is replaced, the old pieces will likely end up in landfills, and that can lead to toxic water runoff. Plants and organisms that absorb contaminated water often increase its concentration – a special concern if eaten by humans or other animals. The EPA strictly regulates the disposal of rubber tires; however, there is no regulation of the disposal of artificial turf containing crumbled tires. The newer, more expensive forms of turf have replaced the bits of tires with materials that are untested.

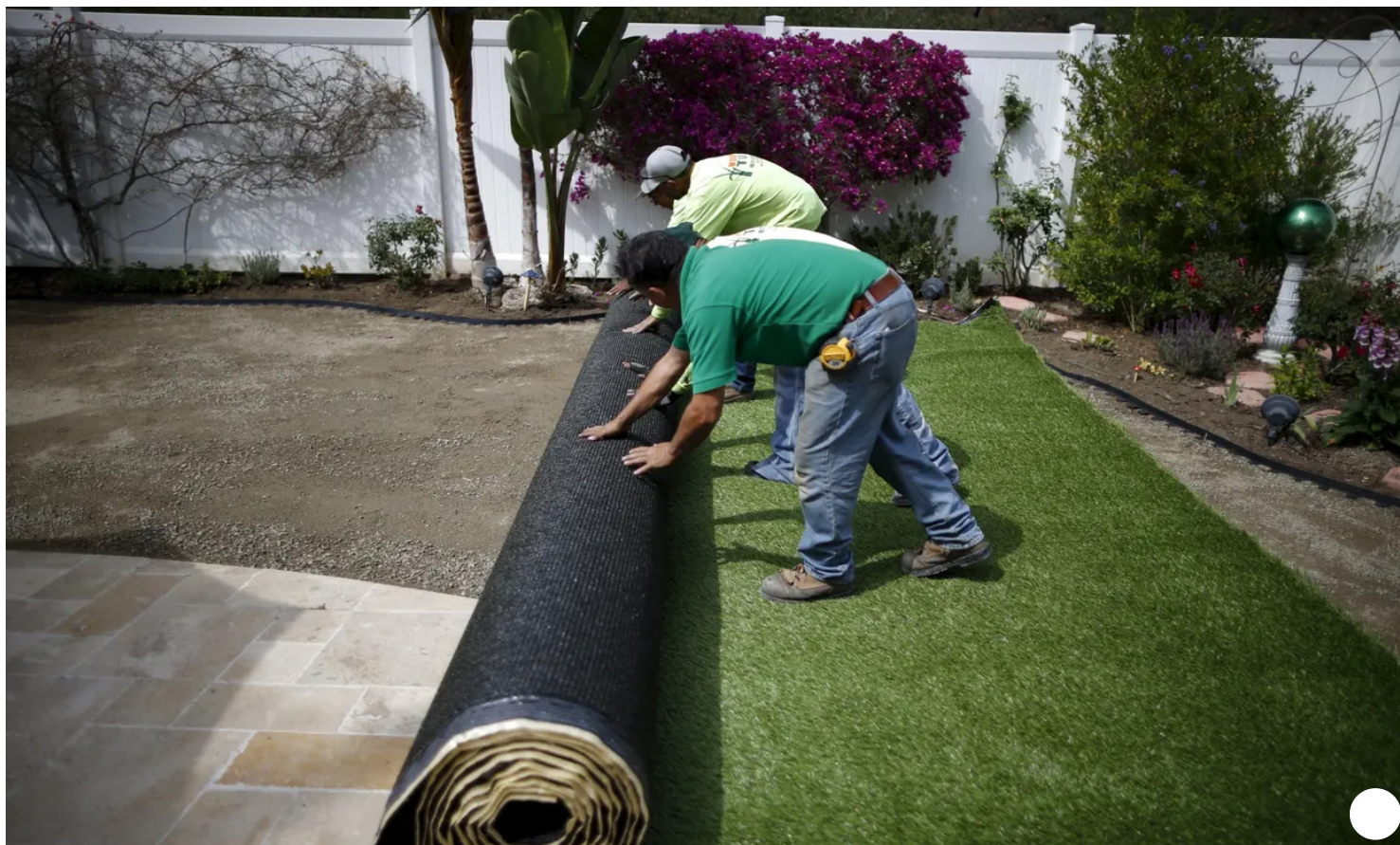
The turf is a reservoir for not only fungus and bacteria, but also contaminated organic matter. It lacks the normal biocycles in nature that reduce the hazards of this exposure. Serious skin abrasions and infections (including MRSA — antibiotic resistant “super bugs”) are among the reasons the women’s soccer league recently took legal action to avoid playing on it.[NIH 2011, CDC 2013].

As the turf becomes warmer, the amount of its “off-gassing” increases; this is code for toxic fumes. There are measurable short term ill effects from this; long-term side effects have not been studied — often a concern to neighbors. The industry knows about the risk of high heat – that’s why their turf is impregnated with flame retardants. The effects of drinking, eating (via plants raised with toxic water) and regularly inhaling this flame retardant have not been studied.

The seven EMBUD directors found it easy to “just say NO” (their words) to the proposed rebate for artificial turf. However, the use of artificial turf is increasing. Many cities and counties are considering lifting previous bans on its use. Governor Jerry Brown, who was previously opposed, has recently said that he’d “now consider it due to the drought.” We need to contact these elected officials. A list of their emails and phone numbers is available on request.

This article originally appeared in the *Rossmoor News*, August 02, 2015. Authored by Carol Weed, M.D.





Turf it out: is it time to say goodbye to artificial grass?

It's neat, easy - and a staggering £2bn global market. But as plastic grass takes over our cities, some say that it's green only in colour

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About this content

Isabella Kaminski

Fri 2 Aug 2019 01.00 EDT

If your attention during the Women's World Cup was on the pitch rather than the players, you might have noticed that the matches were all played on real grass. That was a hard-won change, made after the US team complained to Fifa that they sustained more injuries on artificial turf.

In private gardens, however, the opposite trend is happening: British gardens are being dug up and replaced with plastic grass. But this isn't the flaky, fading stuff on which oranges were once displayed at the greengrocer. Today's artificial grass is nearly identical to the real thing.

With products named after beautiful places - Lake District, Valencia - modern artificial turf mimics not just the mottled colouring and shape of grass blades, but the warm springiness of earth.

Unlike the grass itself, the market is growing. Dozens of specialist firms now market fake grass as a replacement for garden lawns. UK sales surged during last year's record summer temperatures, according to the industry journal Hortweek, while a report by Up Market Research valued the global market at \$2.5bn (£2bn) in 2016 and forecasts a "staggering" rise to \$5.8bn by 2023.

TCM Backup 1-14-20

Andy Driver, sales and marketing director for the artificial turf supplier Evergreens UK, says that as artificial grass has become much cheaper and more realistic, it now appeals to a wide range of people: city residents with shaded gardens where grass doesn't grow well, or to carpet urban rooftops and balconies; families with children or dogs who don't want a muddy mess; older or disabled people who struggle to maintain a garden; schools and nurseries where playgrounds get heavy use.

For many people, he says, there is a social pressure to “keep up with the Joneses” by having a perfectly trimmed, green lawn all year round.

Perhaps aware of another kind of social pressure, some firms pitch their products as eco-friendly alternatives.



A ladybird perches on a blade of real grass. Guy Barter at the Royal Horticultural Society highlights some of the benefits of real grass as 'soaking up moisture, home for insects, feeding birds, self-sustaining'. Photograph: Emma Adams/Alamy

For example, Royal Grass says its environmentally friendly turf, called Eco-Sense, is recyclable (“in other words, cradle-to-cradle”) and declares that it “has the look and feel of natural grass, but outperforms its natural source of inspiration”: “‘Green’ is a premium goal in our quest on how we can make our artificial grass more sustainable. This starts at the beginning of the process, with the careful selection of the raw materials that are used to produce the grass blades.”

But while the fake grass might indeed be greener, at least in colour, its environmental impacts are difficult to gloss over.

Paul Hetherington, fundraising director for the charity Buglife, says artificial turf is far from an eco-friendly alternative to natural grass.

“It blocks access to the soil beneath for burrowing insects, such as solitary bees, and the ground above for soil dwellers such as worms, which will be starved of food beneath it,” he says. “It provides food for absolutely no living creatures.”

This is a particular concern in view of the dramatic global decline in insect species. The UK is on course to miss its own targets for protecting its natural spaces, and has lost 97% of its wildflower meadows in a single generation.

It is not just wildlife that artificial turf affects. The Committee on Climate Change recommends rewilding a huge area of UK land and growing many more trees to help tackle global heating by storing carbon. Not only does fake grass have no climate benefits, but producing the plastic emits carbon and uses fossil fuels.



Netherlands v Sweden, Fifa Women's World Cup 2019 semi-final at Stade de Lyon, France. All matches were played on real grass this year. Photograph: Maja Hitij/Getty Images

The common practice of replacing soil with sand to provide a more stable bed for the fake grass also releases even more CO₂ stored in the earth, according to David Elliott, chief executive of tree-planting charity Trees for Cities.

There is also the matter of microplastics: the tiny particles of plastic that have made their way throughout the globe, and are present in our food, water and even the air.

Evergreen UK's turf is made mainly of polyethylene, with polypropylene and polyamide for some purposes. Driver claims the microplastics problem does not affect the artificial grass industry because it doesn't sell single-use products. "Our products don't degrade, we've always not had it as an issue, basically." He adds that products from legitimate firms conform to standards set by the industry.

Madeleine Berg, project manager at the environmental charity Fidra, counters that most plastics are likely to contribute to microplastics through physical and chemical degradation, such as being stepped on and exposed to constant sunlight. "You would be hard-pressed to say that you have created a product which doesn't shed anything," says Berg.

There are also growing concerns about the impact of the synthetic chemicals that are added to artificial grass on human health and the environment. The EU has been investigating specialist artificial turf used on sports fields for suspected carcinogens, and is considering banning intentionally added microplastics. While these are different products to those sold to home gardeners, Berg says artificial pitches are sometimes reused for landscaping.

And what happens to fake grass when it reaches the end of its life in 10-20 years?

Unlike Royal Grass, Evergreens UK doesn't market itself as eco-friendly, a term Driver calls "a little bit misleading", but he is keen to stress that his company's products can be recycled. However, this can only be done at specialist plants in Europe and it is doubtful that many customers would go the extra mile.

Guy Barter, chief horticulturist at the Royal Horticultural Society (RHS), says there is a place for artificial turf as an alternative to paving slabs, gravel and particularly concrete, which is its own environmental nightmare. "Hard landscaping can be very expensive, and people fancy a bit of green in a small garden. We've even laid a bit [of artificial grass] ourselves.

"But I don't think that for all but specialised purposes that it really compares with [real] grass. Not only does it not provide any of the environmental benefits of grass - like soaking up moisture, home for insects, feeding birds, self-sustaining - its life isn't that long. It gets trampled on and quite soon looks poor. It can't be relaid or reseeded; it has to be rolled up, lifted and sent to landfill."



A sign advertising artificial turf in Cathedral City, California. Photograph: Lucy Nicholson/Reuters

Barter concedes that the root of the problem is social pressure for a perfect green lawn.

“In the mindset of the British public you haven’t really got a garden unless you’ve got a lawn,” he says. “And I think a lot of people are put off by lawns because there’s so much quite confusing technical speak around it like mowing, feeding, weeding, moss control and overseeding. A lot of people just aren’t interested – they don’t have time in their busy lives.”

There are some environmental benefits to using artificial grass. Unlike a real lawn, fake grass doesn’t need to be mowed – which some people do with electric or fossil fuel mowers – or watered, which is a serious consideration as the UK anticipates increasing water stress due to the climate crisis.

Nor does it require fertilisers or herbicides, some of which have been subject to huge controversy, to achieve a uniform look.

But lawns can also be maintained without those negative practices and products, and the soil loss problem is real: the RHS’ Greening Grey Britain survey has found a threefold rise in the number of front gardens that have been paved over.

Barter also challenges the idea that artificial turf is maintenance-free, saying it still needs to be cleaned of litter and moss growth, and some owners have simply replaced mowing with vacuuming.

“There are better solutions that would give people more pleasure than just looking out at this sheet of slowly degrading plastic,” he says.

He suggests planting shady front gardens with tolerant shrubs, such as evergreen bushes: these provide greenery all year round, need little maintenance, suppress weeds, offer food for wildlife and places for birds to nest, and give hedgehogs and frogs cover to travel safely in urban streets. “After all, we are supposed to be a nation of gardeners.”

To Trevor Dines, botanical specialist for charity Plantlife, the popularity of artificial grass shows how disconnected we have become from the natural world. “Whenever I see artificial grass my heart sinks – more nature smothered by more plastic. Where once we were famed for our lawns, we now opt for artificial, low-maintenance solutions.

“This is not just to the detriment of wildlife but to us, too; children can’t make a daisy-chain on a plastic lawn.”

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America faces an epic choice...

... in the coming year, and the results will define the country for a generation. These are perilous times. Over the last three years, much of what the Guardian holds dear has been threatened – democracy, civility, truth. This US administration is establishing new norms of behaviour. Anger and cruelty disfigure public discourse and lying is commonplace. Truth is being chased away. But with your help we can continue to put it center stage. It will be a defining year and we’re asking for your help as we prepare for 2020.

Rampant disinformation, partisan news sources and social media's tsunami of fake news is no basis on which to inform the American public in 2020. The need for a robust, independent press has never been greater, and with your help we can continue to provide fact-based reporting that offers public scrutiny and oversight. Our journalism is free and open for all, but it's made possible thanks to the support we receive from readers like you across America in all 50 states.

"America is at a tipping point, finely balanced between truth and lies, hope and hate, civility and nastiness. Many vital aspects of American public life are in play - the Supreme Court, abortion rights, climate policy, wealth inequality, Big Tech and much more. The stakes could hardly be higher. As that choice nears, the Guardian, as it has done for 200 years, and with your continued support, will continue to argue for the values we hold dear - facts, science, diversity, equality and fairness." - US editor, John Mulholland

On the occasion of its 100th birthday in 1921 the editor of the Guardian said, "Perhaps the chief virtue of a newspaper is its independence. It should have a soul of its own." That is more true than ever. Freed from the influence of an owner or shareholders, the Guardian's editorial independence is our unique driving force and guiding principle.

We also want to say a huge thank you to everyone who supported the Guardian in 2019. You provide us with the motivation and financial support to keep doing what we do. We're asking our readers to help us raise \$1.5m to support our rigorous journalism in the new year. Every contribution, big or small, will help us reach it. **Make a gift from as little as \$1. Thank you.**

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 40-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2); Relating to Issuance of Decals and Visitor/Service Permits; Allowing for the Issuance of Eight Decals and Visitor/Service Permits Instead of the Four Currently Allowed; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 40-2019**

ORDINANCE NO. 40-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ARTICLE X. – ON-STREET PARKING PERMITS, AT SECTION 134-2296(C) AND SECTION 134-2327(2); RELATING TO ISSUANCE OF DECALS AND VISITOR/SERVICE PERMITS; ALLOWING FOR THE ISSUANCE OF EIGHT DECALS AND VISITOR/SERVICE PERMITS INSTEAD OF THE FOUR CURRENTLY ALLOWED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2), to read as follows:

“Sec. 134-2296. – Issuance of special parking permits upon application.

(c) Visitor/service permits. In addition to the decals issued pursuant to Section 134-2295(b) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of ~~four~~ eight permits, including decals and visitor/service permits, shall be issued for each property.

“Sec. 134-2327. – Issuance.

(2) *Visitor/service permits* In addition to the Resident permits provided under (1) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of ~~four~~ eight permits, including decals and visitor/service permits, shall be issued for each property.

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 December, 2019, and for second and final reading on this 14th day of January, 2020.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lew Crampton, Town Council Member

Patricia Gayle-Gordon
Acting Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2020

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 04-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 Of The Town Code Of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 Of The Town Code Of Ordinances, Parks And Recreation, Article II, Beach And Aquatic Activities, Division 3, Regulation Of Use Of Public Beaches; At Sec. 74-191, Animals Prohibited, So As To Add An Exception To Permit Leashed Dogs On Public Beaches Between Sunset Avenue And Wells Road; 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 January 4, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 04-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Modification of Town Code to Permit Leashed Dogs Only on Beaches Between Wells Road and Sunset Avenue
Ordinance No. 04-2020

Date: January 4, 2020

STAFF RECOMMENDATION

Staff recommends Town Council approve the first reading of Ordinance No. 04-2020 to modify the Town Code to permit leashed dogs only on public beaches between Wells Road and Sunset Avenue.

GENERAL INFORMATION

At the December 10, 2019, Town Council meeting Ordinance No. 41-2018, which would have completely prohibited dogs on public beaches between Wells Road and Sunset Avenue, was rejected. Instead, staff was directed to prepare an ordinance to permit leashed dogs on the public beaches between these two streets, in lieu of a complete prohibition. Approval of the attached ordinance would accomplish the desired regulation.

TOWN ATTORNEY REVIEW

The Town Attorney reviewed Ordinance No. 04-2020 and has approved it for legal form and sufficiency.

cc: Department Directors
Ben Alma, Support Services Manager
John C. Randolph, Town Attorney

ORDINANCE NO. 04-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES, ANIMALS, ARTICLE II, DOGS AND CATS, AT SECTION 10-43, RUNNING AT LARGE PROHIBITED; FURTHER AMENDING CHAPTER 74 OF THE TOWN CODE OF ORDINANCES, PARKS AND RECREATION, ARTICLE II, BEACH AND AQUATIC ACTIVITIES, DIVISION 3, REGULATION OF USE OF PUBLIC BEACHES; AT SEC. 74-191, ANIMALS PROHIBITED, SO AS TO ADD AN EXCEPTION TO PERMIT LEASHED DOGS ON PUBLIC BEACHES BETWEEN SUNSET AVENUE AND WELLS ROAD; 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. Section 10-43 titled Running at large prohibited, is hereby amended to read as follows:

“Sec. 10-43. Running at large prohibited.

No dog shall run at large within the town or upon the property other than that of its owner unless the dog is running on property other than that of its owner with the express or implied consent of the owner of the property. An exception shall apply to allow dogs to run unleashed on the public beaches of the town, unless otherwise prohibited under section 74-191, where said dogs are clearly under the command of their owner or handler and where the dog is not creating a nuisance to other animals or persons using the public beach. Leashed dogs are permitted on public beaches between Sunset and Wells Road only. For purposes of this section, public beaches means that area abutting the Atlantic Ocean or Lake Worth consisting of predominately sand, whether below or above the high mean water mark.”

Section 2. Section 74-191 titled Animals prohibited, is hereby amended to read as follows:

"Sec. 74-191. Animals prohibited.

No person shall take any animal upon those certain public beaches within the town identified herein or in the surf adjacent to any such public beach within the town. Said beaches shall include the Phipps Park beach, the public beach from Royal Palm Way south to Gulfstream Road, the Clarke Avenue beach from Barton to Seaspray, and the beach from Sunset Avenue to Wells Road. An exception shall apply to allow leashed dogs on public beaches between Sunset and Wells Road only."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2020, and for second and final reading on this _____ day of _____, 2020.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margret Zeidman, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Bobbie Lindsay, Town Council Member