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Council President Wildrick agreed with the Mayor and stated that the public chastisement was adequate to resolve the situation.

Council Member Kleid was in agreement with treating it as a public reprimand.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE – None

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

WITHDRAWN: Item No. VII.A.1., Appeal of Landmarks Preservation Commission Decision, COA- 026-2014, 105 Clarendon Avenue, was withdrawn.

DEFERRED: Item No. VII.C.1.a., Site Plan Review #8-2014 with Variance (Modified), was deferred to the December 10, 2014, Town Council meeting.

DEFERRED: Item No. VII.C.1.b., Site Plan Review #13-2014 with Special Exceptions and Variances (Modified), was deferred to the December 10, 2014, Town Council meeting.

WITHDRAWN: Item No. VII.C.1.d., Special Exception #17-2014 with Site Plan Review and Variances, was withdrawn.

DEFERRED: Item No. VII.C.1.e., Special Exception #20-2014, was deferred to the December 10, 2014, Town Council meeting.

WITHDRAWN: Item No. VII.C.1.f., Special Exception #25-2014, was withdrawn.

DEFERRED: Item No. VII.C.1.g., Variance #43-2014, was deferred to the December 10, 2014, Town Council meeting.

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

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Landmarks Preservation Commission Decision, COA- 026-2014, 105 Clarendon Avenue (per Letter Dated October 24, 2014, from Maura Ziska)
John S. Page, Director of Planning, Zoning, and Building

This item was withdrawn.

B. Time Extensions and Waivers

1. Request for Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 242-105.4.1.6 - 1480 North Lake Way

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

Director of Planning, Zoning, and Building Page provided an overview of the request. Staff recommended that a daily fine of \$1,060 be assessed for each day that construction has not been completed, beginning December 2, 2014.

The following ex-parte communications were declared: Mayor Coniglio and Council President Pro Tem Diamond spoke with property owner Lawrence Moens, who advocated his position.

Administrative Assistant Boyles administered the oath to all those who would be providing testimony.

Lawrence Moens, 1480 N. Lake Way, provided additional information regarding his request for time extension and requested an extension through December 23, 2014.

Motion was made by Council Member Pucillo, and seconded by Council Member Townsend, to approve the request for extension of time schedule for completion of construction per Town Code Chapter 18, Section 242-105.4.1.6 at 1480 North Lake Way, with a daily fine of \$1,060 to be assessed each day, beginning December 2, 2014, and running through December 23, 2014. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #8-2014 WITH VARIANCE (MODIFIED)

The application of Coral Beach Corporation; relative to property commonly known as 160 Seaview Avenue; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two- story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68

feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed; and, to allow the proposed house which is primarily designed with a flat roof to be constructed with an overall building height of 30 feet in lieu of the 25 foot maximum allowed. [Attorney: Francis X. J. Lynch]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-2, Mrs. Vanneck and Ms. Grace dissenting.]

Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated November 5, 2014 from Francis X.J. Lynch

Deferred from the August 13, 2014, September 10, 2014, and October 15, 2014, Town Council Meetings

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

This item was deferred to the December 10, 2014, Town Council meeting.

- b. SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED) The application of T3 Family Investment, LLC; relative to property commonly known as 221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant is requesting site plan approval to construct a two (2) story 73,214 square foot mixed commercial and residential use condominium development with 47,331 square foot sub-basement with 100 underground parking spaces totaling 120,545 square feet, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor.

Special exception approvals requested are as follows:

1. to allow residential tenancy above the first floor, as required by Section 1109(a)(3) for six (6) condominium units;
2. to allow two (2) stories as required by Section 134-1113 (8)(c);
3. to allow Testa's Restaurant to occupy 3,000 square feet of gross leasable area as required by Section 134-1109 (a)(11);
4. to allow outdoor seating for 60 outdoor seats for Testa's

Restaurant as required by Section 134-1109(1)(11) and 134-1111(a).

Variances being requested are as follows:

- a. to allow underground parking facilities in sub-basement to extend on the south, west, north and east sides, into required setbacks. Proposed setbacks from property line range from 0.0 feet on the east, 4.2 feet on the south, 1.2 feet on the west and 4.1 feet on the north, all in lieu of the minimum 5 feet as required in Section 134-2179(a);
- b. to allow portions of the underground parking sub- basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 1324- 2179(a);
- c. to allow a total of 100 off-street parking spaces in lieu of the required 178 off street parking spaces as required by Section 134-2175;
- d. to allow parking stall width to be 8.5 feet in lieu of the 9.0 feet minimum required by Section 1324-2172 due to accommodate structural columns required for the sub-basement;
- e. to allow one (1) loading bay in lieu of two (2) minimum required for the proposed 120,525 square foot building required by Section 134-2211(a);
- f. to allow for the location of a loading zone in a required front yard, contrary to Code Section 134-2211(b);
- g. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with front yard setbacks of 3.25 feet on Royal Poinciana Way and 3.75 feet on Sunset Avenue in lieu of 12.5 foot minimum as required by Code Section 134-1113(5)(d) in lieu of 12.5 foot minimum as required by Code Section 134-1113(5) (d);
- h. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with side yard setbacks of 0 feet on the west side and 0 feet on the east side in lieu of 12.5 foot minimum required by Code Section 134-1113(6)(b);
- i. to allow for the construction of a structure providing for a proposed pedestrian walkway total width of 3 feet of the required 5.0 feet on Royal Poinciana Way and 9 feet on Sunset Avenue in lieu of 5 foot minimum required on the applicant's property of the total 10 feet of required sidewalk width, as required by Code Section 134-1113(5) (c);
- j. to allow a building height of 30.0 feet in lieu of the maximum allowed 25.0 feet as required by Section 134-1113(8)(b). The request is to have the increase in height at

- 1 six specific locations over the entrances to the Via and on
 2 interior of Via;
 3 k. to allow an overall building height of 39.0 feet in lieu of the
 4 maximum allowed 35.0 feet as required by Section 134-
 5 1113(8)(d). The request is to obtain an increase in height at
 6 six specific locations;
 7 l. to allow a maximum building length of 251.75 feet in lieu
 8 of the maximum allowed 150 feet allowed per Section 134-
 9 1113(10)(b);
 10 m. to allow for a landscaped open space of 7.4% in lieu of the
 11 minimum 25% required by Section 134-1113(11)(b);
 12 n. to allow front yard landscaped open space of 14.1% along
 13 Royal Poinciana Way and 33.9% along Sunset Avenue in
 14 lieu of the minimum 35% required by Section 134-
 15 1113(11)(c);
 16 o. to allow a two (2) story building to be 120,525 square feet
 17 in lieu of the maximum allowed 15,000 square feet as
 18 required by Section 134-1113(12)(b);
 19 p. to allow a sign with a height of 18.75 feet in lieu of the first
 20 floor elevation of the building or 15 feet, whichever is
 21 lower, as required by Code Section 134-2440 (c).
 22 q. to allow a lot coverage of 89.5% in lieu of 70% maximum
 23 allowed by Code Section 134.1113(9)(b).
 24

25 [Attorney: Francis X. J. Lynch]

26 [Architectural Commission Recommendation: Deferred the project
 27 to the November 14, 2014 ARCOM meeting.] Request for Deferral
 28 to the December 10, 2014, Town Council Meeting Per Letter
 29 Dated October 29, 2014, from Francis X.J. Lynch
 30 Deferred from the October 15, 2014, Town Council Meeting
 31 *John S. Page, Director of Planning, Zoning, and Building*
 32

33 **This item was deferred to the December 10, 2014, Town Council meeting.**
 34

- 35 c. SPECIAL EXCEPTION #13-2014 WITH SITE PLAN REVIEW
 36 AND VARIANCES The application of Town of Palm Beach, Peter
 37 B. Elwell, Town Manager; relative to property commonly known
 38 as 2345 South Ocean Blvd.; described as Lengthy legal description
 39 on file; located in the R-B Zoning District. A Special Exception
 40 with Site Plan Review is being requested to modify the Par 3 Golf
 41 Course parking lot, seating and hours of operation of the Club
 42 House restaurant and proposed addition of a new patio deck. The
 43 proposed modification is to widen the north side of the parking lot
 44 by approximately eighteen (18) feet, create tandem parking in that
 45 area of the lot and add additional parking on the south side of the
 46 lot. The request also modifies the parking vehicular circulation by

creating one way drive aisle. The proposal would create twenty-six (26) additional parking spaces to the parking lot and allow valet parking in designated areas. In addition, the club house restaurant hours are proposed to change from 7:00 am – 10:00 pm to 7:00 am – Midnight with the proposed additional seventeen (17) more seats on the second floor outside verandas (total of 167 seats). In addition, request is to also add a 1,837 square foot patio on the south side of the clubhouse to allow the restaurant and golf course to host golf outings and other special events; install spot lights facing east to light the dune line and ocean surf, outside of turtle nesting season. Variances are requested to allow tandem parking for the valet parking area, which is not permitted by Code. The Code requires that off-street parking be arranged so that a vehicle does not have to be moved in order to move another vehicle; and, to allow three (3) parking spaces in the required front yard setback, which is not permitted by Code. [Representative: Jay Boodheshwar]

Please note that the Town Council has acted upon all proposed elements of the application with the exception of spotlights. ARCOM, on October 22, 2014, reviewed the proposed wall-mounted spotlights aimed to the east and recommended against their installation.

Deferred from the July 16, 2014, and September 10, 2014 Town Council Meetings

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

There was no ex-parte communication declared by the Town Council.

Director of Recreation and Special Projects Boodheshwar provided an overview of the project. He also spoke regarding ARCOM not being favorable to the request for spotlights, and their preference for landscape uplighting instead. The cost estimate for that would be \$19,000, and it would be paid for from the surplus funds from previous donations.

Discussion ensued regarding the lighting location, future lighting for the patio, the need to spend surplus funds, the lack of visibility at night at the restaurant, and the Town's return on their investment from the restaurant.

Motion was made by Council Member Kleid, and seconded by Council Member Townsend, to amend Special Exception #13-2014 with Site Plan Review and Variances to install landscape uplighting instead of spotlights, for said uplighting costs to be paid from the surplus funds from previous donations, and to approve the item, as amended. On roll call, the motion carried unanimously.

- d. SPECIAL EXCEPTION #17-2014 WITH SITE PLAN REVIEW AND VARIANCES The application of Palm Beach Country Club; relative to property commonly known as 228 Country Club Road; described as Lots 13 and 14, LESS the North 4 feet of MARK RAFALSKY TRACT, Palm Beach, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County in Plat Book 11, Page 51; located in the R-B Zoning District. The applicant is requesting special exception with site plan approval to allow the construction of a tennis court adjacent to the existing two tennis courts owned by the Palm Beach Country Club and relocate an awning to center it between the existing tennis court and the proposed new court. The following variances are being requested to construct the proposed tennis court: to allow a tennis court with a front yard setback of 3 feet in lieu of the 25 foot minimum required; to allow a 10 foot tall chain link fence in the front yard in excess of the 6 foot maximum allowed; to allow landscaped open space to be 15% in lieu of the 43% existing and the 45% minimum required in the R-B Zoning District; to allow landscaped open space in the front yard to be 39% in lieu of the 40% minimum required in the R-B Zoning District; to allow 42% of landscaped open space in the 10 foot perimeter of the property in lieu of the 50% minimum required; and, to not provide the required plantings to sight screen the tennis court on the north and south side of the property as required by Code. [Attorney: Maura Ziska] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]
Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

This item was withdrawn.

- e. SPECIAL EXCEPTION #20-2014 The application of Henry Harris III, Manager; relative to property commonly known as 214 El Brillo Way; described as Lot 27, SUPPLEMENTARY PLAT OF EL BRAVO PARK, a subdivision according to the plat thereof recorded at Plat Book 9, Page 9, in the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting special exception approval to allow two sliding gates (one at each entrance) on El Brillo Way (which is a dead end street) with an 8.5 foot setback from the street pavement in lieu of the 18 foot minimum required on a dead end street. [Attorney: Maura Ziska]
Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated October 31, 2014, from Maura A. Ziska

Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

This item was deferred to the December 10, 2014, Town Council meeting.

- f. SPECIAL EXCEPTION #25-2014 The application of 150 Worth Restaurant Associates, LLC dba Worth Avenue Kitchen; relative to property commonly known as 150 Worth Avenue, Suite 234; described as Lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting special exception approval to allow a new restaurant at 150 Worth Avenue, Suite 234, called Worth Avenue Kitchen, which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,243) and have the same number of seats (151) as the prior restaurant uses at this location. The applicant agrees to be bound by all existing conditions of approval. A special exception is also requested for 14 seats outside the restaurant to be operated by and as part of the restaurant. [Attorney: James. M. Crowley] Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

This item was withdrawn.

- g. VARIANCE #43-2014 The application of Jungle Road, LLC (H. William Perry, Manager); relative to property commonly known as 120 Jungle Road; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is proposing to enclose a third floor balcony off the existing tower on the residence. The following variances are being requested: a building height plane setback of 51.3 feet in lieu of the 66.5 required building height plane setback for the tower element; and, a tower element to be 4.4% of the gross floor area of the residence in lieu of the 3.1% existing and the 1% maximum allowed in the R-A Zoning District.
 [Attorney: Maura Ziska] [Architectural Commission Recommendation: Deferred the project to the November 14, 2014 ARCOM meeting.]
 Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated November 5, 2014, from Maura A. Ziska
 Deferred from the September 10, 2014, and October 15, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building

This item was deferred to the December 10, 2014 Town Council meeting.

- h. VARIANCE #49-2014 The application of David and Jeanne Daniel; relative to property commonly known as 322 Seaspray Avenue; described as Lots 393 and 395 of Poinciana Park, an addition to the Town of Palm Beach, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 6, Page 86; located in the R-B Zoning District. The applicant is proposing to demolish a 147 sq. ft. one-story portion of the rear of the house and construct a 487 square foot first floor and 305 square foot second floor addition (totaling 792 square feet) on the rear of the house for a master bedroom/bath expansion (2nd floor) and kitchen/family room expansion (1st floor) and to demolish and rebuild an existing 436 sq. ft. one story cabana in the same location. The following variances are being requested: a lot coverage of 37.55% in lieu of the 31.1% existing and the 30% maximum allowed in the R-B Zoning District; a cubic content ratio (CCR) of 6.43 in lieu of the 4.99 existing and 4.39 maximum allowed; a west side yard setback of 2.1 feet in lieu of the 2.1 foot setback existing and the 12.5 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a rear yard setback of 3.5 feet in lieu of the 2.7 foot existing setback and the 10 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a west side yard setback of 7.9 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; a west side yard setback of 9.5 feet in lieu of the 15 foot minimum required for the two story portion of the addition; an east side yard setback of 5.1 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; an east side yard setback of 7.9 feet in lieu of the 15 foot minimum required for the two story portion of the addition. [Attorney: Maura Ziska]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]
Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated November 3, 2014 from Maura A. Ziska.
Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building
- There was no ex-parte communication declared by the Town Council.
- Attorney Ziska, on behalf of David and Jeanne Daniel, provided an overview of the applicants' request for deferral.

Motion was made by Council Member Kleid, and seconded by Council Member Townsend, that Variance #49-2014 be deferred to the December 10, 2014, Town Council meeting. On roll call, the motion carried unanimously.

- i. VARIANCE #50-2014 The application of E. Burke Ross, Jr.; relative to property commonly known as 172 South Ocean Boulevard; described as Lots 5 and 6 of PRIMAVERA ESTATES (OCEAN SECTION), according to the Plat thereof as recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida, EXCEPTING therefrom the South 32.66 feet of Lot 6; located in the R-B Zoning District. The applicant is proposing to demolish a 1,219 square foot one story structure and construct in a reduced footprint a 2,731 square foot addition for a total net addition of 1,512 square feet at the west end of the residence. The following variances are being requested to build the proposed addition: a side yard setback of 15 feet (from the alley) in lieu of the 30 foot minimum required for a lot in excess of 20,000 square feet and over 200 feet wide in the R-B Zoning District; a cubic content ratio (CCR) of 4.92 in lieu of the 4.60 existing and 3.7 maximum allowed in the R-B Zoning District; a rear yard setback of 5 feet in lieu of the 15 foot minimum required for a second story addition (the first floor has an existing 5 foot rear yard setback; and, a lot coverage variance to allow 28% in lieu of the 28.1% existing and 25% maximum allowed for a lot in excess of 20,000 square feet in the R-B Zoning District (a reduction of .1%). [Attorney: Maura Ziska]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.] Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated November 3, 2014, from Maura A. Ziska
Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

There was no ex-parte communication declared by the Town Council.

Attorney Ziska, on behalf of E. Burke Ross, Jr., provided an overview of the applicant's request for deferral.

Motion was made by Council Member Kleid, and seconded by Council Member Townsend, that Variance #50-2014 be deferred to the December 10, 2014, Town Council meeting. On roll call, the motion carried unanimously.

2. New Business

a. SPECIAL EXCEPTION #26-2014 WITH SITE PLAN REVIEW

The application of Palm Beach County (Palm Beach County Capital Improvement Division, Miradieu Auboura); relative to property commonly known as 2882 S. Ocean Blvd.; described as 2882 S. Ocean Blvd.; described as Lengthy legal description on file; located in the C-TS Zoning District. Requests approval of a Site Plan application and a Special Exception application to allow the following:

- a. replacement of existing 755 square foot public restroom structure (built in 1979) with an expanded 1,360 square foot restroom and life guard break room/storage structure;
- b. expansion of the western ingress/egress point from 20 feet to 25 feet to allow for two-circulation (currently one-way circulation);
- c. additional recreational amenities including:
 1. a future proposed children's playground with up to 1,500 square feet of shade canopies;
 2. additional benches, trash receptacles and showers; and,
 3. outdoor shower at center beach cross over.
- d. temporary structures during the construction of the replacement structure which is estimated to take 12 to 15 months:
 1. one (1) temporary contractor portable restroom;
 2. three (3) temporary public portable restrooms;
 3. one (1) temporary construction and lifeguard operation trailer;
 4. one (1) temporary contractor storage trailer for the storage of construction materials;
 5. one (1) temporary lifeguard storage trailer for the storage of lifeguard equipment; and
 6. temporary construction barrier fencing.
 7. add gates to the entrance and exit.

1 [Attorney: Denise M. Nieman]

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

3
4 There was no ex-parte communication declared by the Town
5 Council.

6
7 Attorney Nieman, on behalf of Palm Beach County, provided an
8 overview of the applicant's request.

9
10 Zoning Administrator Castro provided Staff's comments.

11
12 Discussion ensued regarding greenspace, the need for a playground
13 in the future, the patrolling of the property by Palm Beach Sheriff's
14 Office and park rangers, provision of knock boxes for Town fire-
15 rescue and police access, no plans for lighting of the parking lot,
16 and the addition of wall lighting to the restroom building.

17
18 Jim Brennan, 2850 S. Ocean Blvd., spoke regarding the
19 uncleanliness of the beach, and the need for monitoring unsavory
20 activities on the beach.

21
22 Discussion ensued regarding the County's jurisdiction of the park,
23 regular maintenance and cleaning of the beach, and the County
24 meeting with the Town's Police Department to address Mr.
25 Brennan's issues.

26
27 Deputy Chief Szarszewski clarified that the park is under the
28 jurisdiction of the Palm Beach Sheriff's Office and Palm Beach
29 County's Code Enforcement Department.

30
31 Council President Wildrick requested that Attorney Nieman
32 provide Mr. Brennan with a County contact name and phone
33 number.

34
35 Discussion continued regarding the two-way circulation of the
36 western ingress/egress expansion without need of a variance,
37 ARCOM's approval of the restrooms, an easement for northern
38 access for residents west of A1A, the two-way circulation
39 remaining after the project is finished, and possible movement of
40 the easement access that would direct people to the beach but away
41 from Palm Worth Condominium.

42
43 **Motion was made by Council President Pro Tem Diamond, and seconded by**
44 **Council President Wildrick, that Special Exception #26-2014 with Site Plan Review**
45 **be deferred to the December 10, 2014, Town Council meeting.**
46

Discussion ensued regarding Mr. Brennan's issues not being relative to the application.

Attorney Nieman stated that the County would review the existing easement, speak with the easement holders, possibly install a gate, work with the adjacent condominium, and place a sign with a clear line of division.

The previous motion for deferral and second were withdrawn.

Council President Pro Tem Diamond requested that the County's offer be made part of the approval.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, that Special Exception #26-2014 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, and that the site plan review related to Special Exception #26-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, subject to the condition that the County provide their best efforts to work with the holders of the easement and Palm Worth Condominium to either move or block the easement in a way that is acceptable to the holders of the easement, eliminating the problem on the north side. On roll call, the motion carried unanimously.

- b. VARIANCE #52-2014 The application of Stuart Kapp, Manager of North County Oceanview, LLC; relative to property commonly known as 589 North County Road; described as The North 150 feet of that part of the South 263.8 feet of Governmental Lot 2, in Section 11, Township 43 South, Range 43 East, lying East of the County Road, a public street in the Town of Palm Beach, Florida, as now laid out and in use, together with the littoral rights appertaining thereto; located in the R-AA Zoning District. Requests a variance to construct a 220 square foot one story cabana with a 10 foot south side yard setback in lieu of the 30 foot minimum required in the R- AA zoning district. [Attorney: Maura Ziska]

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

There was no ex-parte communication declared by the Town Council.

Attorney Ziska, on behalf of Stuart Kapp, Manager of North County Oceanview, LLC, provided an overview of the applicant's

request.

Zoning Administrator Castro provided Staff's comments.

Architect Michael Perry, MP Design and Architecture, Inc., provided additional information regarding the project.

Discussion ensued regarding the hardship, moving the location of the cabana, and bringing it back to the Council.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that Variance #52-2014 be deferred to the December 10, 2014, Town Council meeting. On roll call, the motion carried unanimously.

- c. VARIANCE #53-2014 The application of Ronald Alvarez and Alice Ruth; relative to property commonly known as 210 Orange Grove Road; described as The East 62.5 feet of Lot 33 and the West 60 feet of Lot 34, NEW SIEARS TRACT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 16, Page 86; located in the R-B Zoning District. A variance is requested to convert a two-car garage into a family room that was done by a prior owner without zoning approval and without a building permit. If the above variance is granted, the applicant requests the following: the applicant is proposing to construct a 712 square foot one story, one-car garage addition. The following variances are being requested to build the proposed addition: to allow the construction of a one car garage in lieu of the required two car garage for a lot in the R-B Zoning District; a rear yard setback of 6.4 feet in lieu of the 10 foot minimum setback required in the R-B Zoning District; a side yard setback of 5 feet in lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Attorney: Maura Ziska]

[Architectural Commission Recommendation: Implementation of the proposed variance to enclose the garage will not negatively impact the architecture of the house. Carried 6-1 (Mrs. Vanneck dissenting). The proposed new two car garage which requires variances can be designed in an architecturally suitable manner on another portion of the subject property and conform to the zoning code without the need for the variances. Carried 7-0]

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

There was no ex-parte communication declared by the Town Council.

Attorney Ziska, on behalf of Ronald Alvarez and Alice Ruth,

provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Administrative Assistant Boyles administered the oath to those who had not already been sworn in and would be providing testimony.

Rosemary Leonhardt, 218 Orange Grove Road, expressed her opposition to the project.

Discussion ensued regarding the hardship and prior consideration of other design options available for the neighbor's concurrence.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, that the portion of Variance #53-2014 related to the new garage be denied for the reason that the new garage application does not meet the criteria set forth in Section 134-201(a), items 1 through 7. On roll call, the motion carried unanimously.

Motion was made by Council Member Kleid, and seconded by Council Member Townsend, that the portion of Variance #53-2014 related to converting the garage to a family room be deferred to the December 10, 2014, Town Council meeting. On roll call, the motion carried unanimously.

- d. VARIANCE #54-2014 The application of Thomas Maier; Other relative to property commonly known as 102 Jungle Road; described as A part of Government Lot 2, Section 26, Township 43, Range 43 East less the right-of-way for Ocean Blvd. and Jungle Road; located in the R-A Zoning District. Variances are requested to allow for expansion of the raised terrace with a front yard setback of 22.9 feet in lieu of the 35 foot minimum required for a lot in the R-A District; to install a square foot awning over the proposed raised terrace with a front yard setback of 24 feet in lieu of the 35 foot minimum required; to add a balcony to the second story with a front yard (north) setback of 26.9 feet in lieu of the 33 foot minimum required; and, to maintain the existing non-conforming lot coverage. The request is for a variance for lot coverage with the changes of 28.4% in lieu of the existing 28.4% and the 25% maximum allowed by code.

[Attorney: David E. Klein] [Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]

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

The following ex-parte communications were declared: Council

President Pro Tem Diamond and Council Members Kleid and Townsend spoke with Attorney David Klein, who advocated the position of his client.

Attorney Klein, on behalf of Thomas Maier, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Attorney Klein spoke regarding the hardship and stated that the neighbor across the street is in favor of the changes.

Discussion ensued regarding the hardship, the sizes of the terrace and balcony, and consideration given to landmarked homes.

Motion was made by Council Member Pucillo, and seconded by Council Member Townsend, that Variance #54-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

D. Other

1. Proposed Declaration of Use Agreement for Chez L'Epicier Restaurant, 288 South County Road, Special Exception #22-2014 with Site Plan Review
John S. Page, Director of Planning, Zoning, and Building

Zoning Administrator Castro stated that Staff had no changes to the Declaration of Use Agreement and recommended approval by the Council.

Captain Ann-Marie Taylor spoke regarding the Police Department's need for well-defined employee and valet parking and the number of events scheduled.

Zoning Administrator Castro spoke regarding the inadequate number of parking spaces for commercial businesses in the Town.

Attorney Ziska spoke regarding the restaurant's limiting of their hours of operation, the plans that were put in the application, and the Declaration of Use Agreement.

Town Attorney Randolph clarified that the Declaration of Use Agreement was not up for reconsideration at this time.

1 **Motion was made by Council Member Pucillo, and seconded by Council Member**
2 **Townsend, to approve the Declaration of Use Agreement for Chez L'Epicier**
3 **Restaurant. On roll call, the motion carried unanimously.**
4

- 5 2. Proposed Declaration of Use Agreement for Bethesda by the Sea
6 Episcopal Church-Special Exception #24-2014 with Site Plan Review-
7 141 South County Road
8 *John S. Page, Director of Planning, Zoning, and Building*
9

10 The following ex-parte communications were declared: All Town Council
11 members spoke with Attorney Harvey Oyer, who advocated the position
12 of his client. Council Member Pucillo spoke with Mr. Atterbury. Mayor
13 Coniglio and Council Member Kleid spoke with Reverend Harlan, who
14 advocated the position of the Church. Mayor Coniglio and Council
15 President Wildrick spoke with Mrs. Victor, who advocated the position of
16 the Church.
17

18 Administrative Assistant Boyles administered the oath to those who had not
19 already been sworn in and would be providing testimony.
20

21 Attorney Harvey Oyer, Shutts & Bowens, LLP, on behalf of Bethesda by
22 the Sea Episcopal Church, provided an overview of the proposed
23 Declaration of Use Agreement.
24

25 Zoning Administrator Castro provided Staff's comments.
26

27 Attorney Oyer spoke in opposition to restricting the frequency of use, and
28 stated that the Church would like to keep their existing right to utilize the
29 indoor sanctuary and the outdoor altar simultaneously.
30

31 Zoning Administrator Castro spoke regarding parking and the number of
32 seats.
33

34 Discussion ensued regarding enhancing an existing area without
35 intensifying the use, not taking away the long existing simultaneous use of
36 indoor and outdoor altar areas, and how other religious institutions have
37 been treated.
38

39 Zoning Administrator Castro stated that, based upon the discussion, a
40 Declaration of Use Agreement would no longer be necessary.
41

42 **Motion was made by Council Member Kleid, and seconded by Council President**
43 **Pro Tem Diamond, that a Declaration of Use Agreement is no longer required with**
44 **respect to this application by Bethesda by the Sea Episcopal Church. On roll call,**
45 **the motion carried unanimously.**
46

3. Palm House Update

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

Director of Planning, Zoning, and Building Page provided an update on the Palm House.

Zoning Administrator Castro provided additional information.

Discussion ensued regarding establishment of daily fines for items constructed without approval, requiring all items to be removed or corrected by December 12, 2014, stopping unauthorized work, and advising the applicant to not request anything else until they are in compliance.

Town Attorney Randolph stated that a lien would be imposed for failing to complete the work in a timely fashion and that a certificate of occupancy would not be issued until the fine is paid. He added that the Declaration of Use Agreement is recorded so anyone purchasing this property is on notice of this fact and the fact that the fine is running daily.

Kristoff Gintowt, 209 Via Linda, spoke regarding a noise coming from 216 West Indies Drive that keeps him awake at night.

Captain Taylor stated that they had responded to his complaint, but that the noise was within the legal limit.

Public Safety Director Blouin stated that he would speak to Mr. Gintowt after the meeting to resolve the noise issue.

VIII. ORDINANCES – None

IX. ANY OTHER MATTERS – None

X. ADJOURNMENT

There being no further business, the November 12, 2014, regular Town Council meeting was adjourned at 12:27 p.m.

APPROVED:

Robert N. Wildrick
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 9, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on December 9, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, DECEMBER 9, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, December 9, 2014, at 9:35 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Manager Peter Elwell gave the invocation. Council President Wildrick led the Pledge of Allegiance.

III. PRESENTATIONS

- A. Recognition of Raymond W. Snow, Retirement Board of Trustees, From October 2004 Through November 2014.
Mayor Gail L. Coniglio

Mayor Coniglio recognized Raymond W. Snow for his service on the Retirement Board of Trustees.

- B. Presentation of Donation for Mizner Fountain Restoration.
Preservation Foundation of Palm Beach

John Maus and Alexander Ives, on behalf of the Preservation Foundation, presented a check in the amount of \$212,500 for restoration of the Mizner Fountain.

Mayor Coniglio stated that the Town also has a \$100,000 commitment from the Garden Club and \$700,000 from the State for this project.

Council President Wildrick stated that this past year he was very proud of the community and the Council for working together on this project.

Council Member Kleid agreed and reminded everyone that the Town is still seeking additional contributions for this project.

C. Presentation of Donation for Police Boat.

Mayor Coniglio thanked John Scarpa and Michael Belisle, of the Palm Beach Police Foundation, for the Foundation's generous donation of a police boat.

John Scarpa, Palm Beach Police Foundation President, stated that the Foundation is very proud to have raised \$170,000, and to be able to present this donation to the Town. He spoke regarding the Foundation's support and other fundraising efforts and announced that the Policemen's Ball will be held on January 17, 2015. This year they will be honoring David Mack.

Council President Wildrick stated that he could not thank the Foundation enough for all their positive work and spoke regarding the Town's professional and diversified Police Department.

Mayor Coniglio provided an update that she had received from Geoff Parker regarding the Flagler Bridge Project. She stated that there have been no glitches so far, and that they will have a partial bridge in about a year. The full bridge should be completed by the end of 2016. She added that the contractor has made a request to drive temporary pilings, and that she believes this request can be supervised by our Staff.

It was the consensus of the Town Council to allow the contractor to drive temporary pilings for the Flagler Bridge Project.

D. ANNOUNCEMENT: If this meeting has not ended by 12:30 p.m., the Town Council will be taking a lunch break at that time.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio acknowledged that this coming Friday is Peter Elwell Day. She hopes to see the Chambers full with staff and residents to offer our gratitude to him for his service and leadership.

Mayor Coniglio stated that the community is tremendously lucky to have the valuable employee assets it has. She acknowledged the upcoming loss of other long-term employees and thanked them for their service and dedication, including Dan Szarszewski, Rob Walton, Anne Boyles, Brian Fuller, and others in the Fire and Public Works Departments. She wants all employees to know how valued they are in the community and by the Town Council for their dedication and service.

Mayor Coniglio wished everyone a magical, joyful holiday season.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Diamond announced that the easement agreement with the 3360 Condominium Association for contractor access to the beach to complete the Reach 8 Dune Restoration Project has successfully been concluded. He recognized and thanked Richard Hunegs and the Save Our Shores Coalition.

Council Member Pucillo thanked the Preservation Foundation and the Police Foundation for their efforts and donations.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

James Wiener, 150 Bradley Place, spoke regarding the Real ID Program.

Mayor Coniglio thanked Mr. Weiner for bringing this information forward, and suggested that the Civic Association, Citizens' Association, and Shiny Sheet run it on their websites or newsletters.

Winston Michael Ray spoke regarding the Silver Rights Movement and asked for the Town's support.

Karen Tell, 100 Royal Palm Way, Palm Beach, inquired about the status of the Royal Poinciana Playhouse.

Mayor Coniglio responded that she has asked for the Playhouse representatives to come back in January with an official update. She stated that the Town Council is extremely involved in the process and will hold them accountable for frequent updates.

Council President Wildrick stated that there is new management at the Royal Poinciana Plaza, Up Markets, and that he has been meeting with Samantha David; however, by contract, there's not much anyone can do with the Playhouse until next October.

VII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

DEFERRED: Item No. VIII.A.3., November 12, 2014, Meeting Minutes, was deferred to the January 13, 2015, Council meeting.

ANNOUNCEMENT: Town Manager Elwell noted for the public that the Town Council had received a correction yesterday to Item No. VIII.B.2, Resolution No. 177-2014. The overall amount of the appropriation is approximately the same as the published backup; however, there has been some adjustment of the component pieces to include a contract for services and emergency repairs on the security system.

Motion was made by Council President Pro Tem Diamond, and seconded by

Council Member Kleid, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

VIII. CONSENT AGENDA

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

A. MINUTES

1. MINUTES: OCTOBER 13, 2014

Approval of the Minutes of the Special Town Council Meeting.
Deferred from the November 13, 2014, Town Council Meeting.
Susan A. Owens, Town Clerk

2. MINUTES: NOVEMBER 12, 2014

Approval of the Minutes of the Regular Town Council Meeting.
Request for Deferral to the January 13, 2015, Town Council Meeting.
Susan A. Owens, Town Clerk

3. MINUTES: NOVEMBER 13, 2014

Approval of the Minutes of the Regular Town Council Meeting.
Susan A. Owens, Town Clerk – Deferred to the January 13, 2015, Council meeting.

4. MINUTES: NOVEMBER 13, 2014

Approval of the Minutes of the Special Town Council Meeting-Closed
Door Session - Chaz Equipment Company, Inc., vs. Town of Palm Beach.
Susan A. Owens, Town Clerk

5. MINUTES: NOVEMBER 13, 2014

Approval of the Minutes of the Special Town Council Meeting-Closed
Door Session - 160 Royal Palm, LLC, vs. Town of Palm Beach.
Susan A. Owens, Town Clerk

6. Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 14, 2014.

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

B. RESOLUTIONS

1. RESOLUTION NO. 176-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing

Equipment Use and Election Services; Providing an Effective Date.
Susan Eichhorn, Elections Coordinator

2. RESOLUTION NO. 177-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Purchase Orders to Johnson Controls, Inc. for the Annual Maintenance Contract in the Amount of \$34,995 and Establishing a Budget of \$40,000 for Parts and Labor for Other Continued Build-Out of the Town-Wide Camera and Security System in the Amount of \$55,003; and Establishing a Budget of \$80,003; and Approving Ex Post Facto an Amount of \$19,997 for the Expedited Installation of Cameras and Battery Upgrade.

Kirk W. Blouin, Director of Public Safety

3. RESOLUTION NO. 181-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 158-2014, and Awarding Bid No. 2014-44 for Curb Painting and Pavement Marking Services to Driveway Maintenance, and Approving a Purchase Order in an Amount of \$62,000, and Establishing a Budget of \$68,200.

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

4. RESOLUTION NO. 182-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of \$243,390.33, and Establishing a Budget of \$250,000.

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

5. RESOLUTION NO. 183-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Lopez Group, Inc., in the Amount of \$150,387 for Worth Avenue Maintenance Services, and Establishing a Budget of \$157,900.

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

6. RESOLUTION NO. 184-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Four Purchase Orders to Duval Ford, One for the Purchase of Two Ford Escapes in the Amount of \$38,382, One for the Purchase of Two Ford F150 Pickups in the Amount of \$40,576, One for the Purchase of a Ford F250 Pickup in the Amount of \$22,875, and One for the Purchase of a Ford F250 Utility Body Pickup in the Amount of \$27,890 on FSA Contract No. 14-22-0904, Specifications 23, 43 and 49 and Establishing an Overall Budget of \$135,000.

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

7. RESOLUTION NO. 185-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Two Purchase Orders to Navistar Inc. for the Purchase of One International Workstar Cab and Chassis in the Amount of \$123,997, and One International Durastar Cab and Chassis with a Peterson RS3 Crane Body in the Amount of \$169,831 on FSA Contract No. 14-12-0904, Specifications 13 and 12, and Establishing an Overall Budget of \$295,000.
H. Paul Brazil, P.E., Director of Public Works

8. RESOLUTION NO. 186-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Royal Poinciana Way, South County Road, and Royal Palm Way Force Main Lining to Mock, Roos & Associates, Inc., in the Amount of \$129,635, and Establishing a Construction Phase Engineering Services Budget of \$144,000.
H. Paul Brazil, P.E., Director of Public Works

C. OTHER

1. Report of the Ordinances, Rules, and Standards Committee Meeting of November 6, 2014.

Penelope D. Townsend, Chair

2. Appointment of a Member to the Public Employees Relations Commission per PERC Ordinance Appendix "A" Section 1.003. Deferred from the November 13, 2014, Town Council Meeting.

Danielle Olson, Director of Human Resources

3. Appointment of an Alternate Member to the Planning & Zoning Commission.

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

4. Re-Appointment of Members to the Shore Protection Board.

Peter B. Elwell, Town Manager

5. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter.

a. Appointment of Peter B. Elwell Through January 9, 2015.

b. Appointment of Thomas G. Bradford for January 10 through December 8, 2015, and Approval of Employment Agreement.

Robert N. Wildrick, Town Council President

IX. COMMITTEE REPORTS

- 1 A. Report of the Ordinances, Rules, and Standards Committee Meeting of December
2 4, 2014.

3 *Penelope D. Townsend, Chair*

4
5 Council Member Townsend provided an overview of the December 4, 2014,
6 Ordinances, Rules, and Standards Committee Meeting Report.

7
8 Discussion ensued regarding segways, construction activities, and the value of the
9 Ordinances, Rules, & Standards Committee and other Council Committees.

10
11 **Motion was made by Council Member Kleid, and seconded by Council President**
12 **Pro Tem Diamond, to accept the Report of the Ordinances, Rules, and Standards**
13 **Committee Meeting of December 4, 2014. On roll call, the motion carried**
14 **unanimously.**

15
16 **X. REGULAR AGENDA**

- 17
18 A. Old Business

- 19
20 1. Update re: Mizner Fountain Restoration Project.

21 *Peter B. Elwell, Town Manager*

22
23 Town Manager Elwell provided an update of the Mizner Fountain
24 Restoration Project.

25
26 Discussion ensued regarding fundraising for, and the scope of, Phase 2.

- 27
28 B. New Business

- 29
30 1. Consideration of Scheduling an Attorney Client Session Regarding Paul
31 Rampell and Rita B. Rampell vs Town of Palm Beach, Case No. 9:14-cv-
32 81410-XXX, Pending in the United States District Court for the Southern
33 District of Florida. Discussion of this Matter to Begin Immediately
34 Following the December 9, 2014, Town Council Meeting in the Town
35 Council Chambers, 360 South County Road, Palm Beach, Florida.
36 Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town
37 Council President Robert N. Wildrick; President Pro Tem William J.
38 Diamond; Town Council Members Richard M. Kleid, Michael J. Pucillo,
39 and Penelope D. Townsend; Town Manager Peter B. Elwell; Attorney
40 John C. Randolph; and Court Reporter from Pleasanton, Greenhill Meek
41 & Marsaa Court Reporters, Inc.

42 *John C. Randolph, Town Attorney*

43
44 **Motion was made by Council Member Pucillo, and seconded by Council Member**
45 **Townsend, to approve the scheduling of an Attorney/Client Session regarding Paul**
46 **Rampell and Rita B. Rampell vs Town of Palm Beach, Case No. 9:14-cv-81410-**

XXX. On roll call, the motion carried unanimously.

2. Consideration of Scheduling an Attorney Client Session Regarding Paul Rampell and Rita B. Rampell vs Town of Palm Beach, Case No. 502014CA013648 AY, Pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. Discussion of this Matter to Begin Immediately Following the December 9, 2014, Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Robert N. Wildrick; President Pro Tem William J. Diamond; Town Council Members Richard M. Kleid, Michael J. Pucillo, and Penelope D. Townsend; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Pleasanton, Greenhill Meek & Marsaa Court Reporters, Inc.
John C. Randolph, Town Attorney

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to approve the scheduling of an Attorney/Client Session regarding Paul Rampell and Rita B. Rampell vs Town of Palm Beach, Case No. 502014CA013648 AY. On roll call, the motion carried unanimously.

3. Consideration of Scheduling an Attorney Client Session Regarding Leslie Blackner and Richard Stone vs Town of Palm Beach; Gail L. Coniglio, Mayor; Robert N. Wildrick, William J. Diamond, Michael J. Pucillo, Penelope D. Townsend, Town Council Members; Town of Palm Beach Code Enforcement Officer Robert Walton, Case No. 9:14-CV-81221-KAM, Pending in the United States District Court for the Southern District of Florida. Discussion of this Matter to Begin Immediately Following the December 9, 2014, Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Robert N. Wildrick; President Pro Tem William J. Diamond; Town Council Members Richard M. Kleid, Michael J. Pucillo, and Penelope D. Townsend; Town Manager Peter B. Elwell; Attorney John C. Randolph; Margaret L. Cooper, Esq.; and Court Reporter from Pleasanton, Greenhill Meek & Marsaa Court Reporters, Inc.
John C. Randolph, Town Attorney

It was noted for the record that Attorney Margaret L. Cooper, Esq. would not be in attendance.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, to approve the scheduling of an Attorney/Client Session regarding Leslie Blackner and Richard Stone vs Town of Palm Beach. On roll call, the motion carried unanimously.

4. Coastal Protection Matters.

a. Shore Protection Board Annual Report.

Chairman Ecclestone provided an overview of the Annual Report.

Discussion ensued regarding the Sand Transfer Plant.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to accept the Shore Protection Board Annual Report. On roll call, the motion carried unanimously.

Town Manager Elwell provided additional information regarding the rehabilitation of the existing groins and the timetable for the Environmental Impact Study.

Chairman Ecclestone thanked Town Manager Elwell for all his support, effort, and time in these matters and wished him luck.

b. Easement Agreement with 3360 Condominium for Contractor's Access to the Beach to Complete the Reach 8 Dune Restoration Project.

Town Manager Elwell thanked Mr. Hunegs and Attorney Allison Hertz for succeeding in coming to an agreement that will allow the Reach 8 Dune Restoration Project to proceed.

Richard Hunegs, 3360 S. Ocean Blvd., Palm Beach, spoke regarding the agreement and the concerns of the condominium owners.

Council Member Townsend thanked Town Manager Elwell and Mr. Hunegs on their hard work to get to this agreement.

Mayor Coniglio thanked Mr. Hunegs and stated that this agreement is a huge gift.

Town Manager Elwell recognized the significant challenges that were overcome, and thanked Director of Public Works Paul Brazil, Coastal Coordinator Rob Webber, the contractor, and the subcontractor.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Diamond, to approve the Easement Agreement with 3360 Condominium for Contractor's Access to the Beach to Complete the Reach 8 Dune Restoration Project. On roll call, the motion carried unanimously.

- c. United States Army Corps of Engineers Request for Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon for the Lake Worth Inlet Maintenance Dredging Project.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, to approve the United States Army Corps of Engineers Request for Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon for the Lake Worth Inlet Maintenance Dredging Project. On roll call, the motion carried unanimously.

- d. RESOLUTION NO. 187-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 14PB8, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for Mid-Town Beach, Specifically Physical Monitoring Reimbursement, and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 187-2014. On roll call, the motion carried unanimously.

- e. RESOLUTION NO. 188-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 14PB7, Amendment No. 1, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically Marine Turtle Monitoring Reimbursement, and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve Resolution No. 188-2014. On roll call, the motion carried unanimously.

- f. RESOLUTION NO. 189-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D.B. Ecological Services, Inc., for Permit Required Sea Turtle Nesting Monitoring, in the Amount of \$177,780, and Establishing a Project Budget of \$200,000.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to approve Resolution No. 189-2014. On roll call, the motion carried unanimously.

Discussion ensued regarding the results of these reports.

- g. Authorization of Selection Committee for Construction Manager At Risk for the Groin Rehabilitation Project.

Discussion ensued regarding completing the Project as rapidly as possible, which groins will be rehabilitated, and use of a Construction Manager at Risk.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, to authorize a Selection Committee for Construction Manager At Risk for the Groin Rehabilitation Project. On roll call, the motion carried unanimously.

- h. Authorization of a Selection Committee for Final Design Services and Construction Phase Engineering Services for the Groin Rehabilitation Project.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to authorize a Selection Committee for Final Design Services and Construction Phase Engineering Services for the Groin Rehabilitation Project. On roll call, the motion carried unanimously.

- i. RESOLUTION NO. 190-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Coastal Technology Corporation, in the Amount of \$205,286 for Regulatory and Bid Document Preparation Services, and Establishing a Task Budget of \$210,000 for the Phipps Ocean Park/Reach 7 Beach Renourishment Project.
H. Paul Brazil, P.E., Director of Public Works

Motion was made by Council Member Townsend, and seconded by Council Member Kleid, to approve Resolution No. 190-2014. On roll call, the motion carried unanimously.

XI. ORDINANCES

A. Second Reading

- 1. ORDINANCE NO. 18-2014 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; by Amending Section 82-55, Uniformed Services Employment and Reemployment; by Amending Section 82-72, Rollover Distributions; by Amending Section 82-98, Chapter 175 Share Accounts; by Amending Section 82-99, Deferred Retirement Option Program for Firefighters; by Amending Section 82-119, Deferred Retirement Option Program for Police Officers.; by Amending Section 82-127, Police Share Plan; by Amending Section 82-139, Deferred Retirement Option Program for Members of Benefit Group General and Benefit Group Lifeguard; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Peter B. Elwell, Town Manager

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to adopt Ordinance No. 18-2014, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 19-2014 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 Titled "Animals", at Article II, "Dogs and Cats", by Creating a New Section 10-46 Providing for the Prohibition of the Sale or Transfer of Dogs and/or Cats in Any Pet Store as Defined Herein and the Prohibition of Commercial Breeding of Dogs And/or Cats Within the Town; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Thomas G. Bradford, Deputy Town Manager

Discussion ensued regarding enforcement capability and allowing organizations outside of the Town to request legislation that currently is not called for or pertinent to the Town.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to approve Ordinance No. 19-2014, on first reading. On roll call, the motion carried unanimously.

XII. ANY OTHER MATTERS – None

1 **XIII. ADJOURNMENT**

2
3 There being no further business, the December 9, 2014, regular Town Council meeting
4 was adjourned at 11:01 a.m.
5

6
7 APPROVED:
8

9
10
11
12
13 _____
14 Robert N. Wildrick
15 Town Council President

16 ATTEST:
17

18
19 _____
20 Susan A. Owens, MPA, MMC
21 Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 9, 2014

Approval of the Minutes of the Special Town Council Meeting-Closed
Door Session-Rampell (Circuit Court).

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on December 9, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, DECEMBER 9, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 11:03 a.m. on Tuesday, December 9, 2014, in the Town Council Chambers. On roll call, all members were found to be present, with the exception of Mayor Coniglio and Council President Pro Tem Diamond, who arrived later.

II. APPROVAL OF AGENDA

By consensus of the Town Council, the Agenda was approved.

(Clerk's Note: Mayor Coniglio arrived at the meeting at 11:05 a.m.)

III. PAUL RAMPELL AND RITA B. RAMPELL VS TOWN OF PALM BEACH, Case No. 502014CA013648 AY, Pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

F.S. 286.011(8) allows the Mayor, Town Council, and the Town Manager to meet in a Closed-Door Attorney/Client Session for the purpose of discussing strategy related to litigation.

Town Council President Wildrick announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is fifteen minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Robert N. Wildrick, Town Council President
 - William J. Diamond, President Pro Tem
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member
 - Penelope D. Townsend, Town Council Member
 - Peter B. Elwell, Town Manager

John C. Randolph, Town Attorney
Pleasanton, Greenhill, Meek & Marsaa, Court Reporters

At 11:06 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

(Clerk's Note: Council President Pro Tem Diamond arrived at the meeting at 11:07 a.m.)

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

A.) Call to Order

The Special Town Council meeting was reconvened at 11:47 a.m., in the Town Council Chambers.

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

Town Attorney Randolph reported that he met with the Mayor and Town Council and they advised him how to proceed, and requested the authority to hire Attorney John Duvall for the pending court proceedings.

Motion was made by Council Member Townsend, and seconded by Council Member Pucillo, to authorize Town Attorney Randolph to hire Attorney John Duvall for the PAUL RAMPPELL AND RITA B. RAMPPELL VS TOWN OF PALM BEACH, Case No. 502014CA013648 AY, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. On roll call, the motion carried 4-0, with Council President Pro Tem Diamond absent.

V. ANY OTHER MATTERS – None

1 **VI. ADJOURNMENT**

2
3 There being no further business, the Special Town Council Meeting of Tuesday,
4 December 9, 2014, was adjourned at 11:48 a.m.

5
6 APPROVED:

7
8
9
10 _____
11 Robert N. Wildrick
12 Town Council President

13 ATTEST:

14
15
16 _____
17 Susan A. Owens, MMC
18 Town Clerk

19
20 _____
21 Date

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 9, 2014

Approval of the Minutes of the Special Town Council Meeting-Closed
Door Session-Rampell (District Court).

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on December 9, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, DECEMBER 9, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 11:48 a.m. on Tuesday, December 9, 2014, in the Town Council Chambers. All of the elected officials were present.

II. APPROVAL OF AGENDA

By consensus of the Town Council, the Agenda was approved.

III. PAUL RAMPPELL AND RITA B. RAMPPELL VS TOWN OF PALM BEACH, Case No. 9:14-cv-81410-XXX, pending in the United States District Court for the Southern District of Florida.

F.S. 286.011(8) allows the Mayor, Town Council, and the Town Manager to meet in a Closed-Door Attorney/Client Session for the purpose of discussing strategy related to litigation.

Town Council President Wildrick announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is fifteen minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Robert N. Wildrick, Town Council President
 - William J. Diamond, President Pro Tem
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member
 - Penelope D. Townsend, Town Council Member
 - Peter B. Elwell, Town Manager
 - John C. Randolph, Town Attorney
 - Pleasanton, Greenhill, Meek & Marsaa, Court Reporters

At 11:49 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 12:16 p.m., in the Town Council Chambers.

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

Town Attorney Randolph advised that he asked the Town Council to hire John DeVault of the Bedell Law Firm to represent the Town in this case.

Motion was made by Council Member Townsend, and seconded by Council Member Pucillo, to authorize the Town Attorney to hire John DeVault to represent the Town in Paul Rampell and Rita B. Rampell vs Town of Palm Beach, Case No. 9:14-cv-81410-XXX. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, December 9, 2014, was adjourned at 12:18 p.m.

APPROVED:

Robert N. Wildrick
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 9, 2014

Approval of the Minutes of the Special Town Council Meeting-Closed
Door Session-Blackner.

Presenter

Susan A. Owens

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on December 9, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, DECEMBER 9, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 12:18 p.m. on Tuesday, December 9, 2014, in the Town Council Chambers. All of the elected officials were found to be present, with the exception of Council President Pro Tem Diamond.

II. APPROVAL OF AGENDA

By consensus of the Town Council, the Agenda was approved.

**III. LESLIE BLACKNER AND RICHARD STONE VS TOWN OF PALM BEACH;
GAIL L. CONIGLIO, MAYOR; ROBERT N. WILDRICK, WILLIAM J.
DIAMOND, MICHAEL J. PUCILLO, PENELOPE D. TOWNSEND, TOWN
COUNCIL MEMBERS; TOWN OF PALM BEACH CODE ENFORCEMENT
OFFICER ROBERT WALTON, Case No. 9:14-CV-81221-KAM, pending in the
United States District Court for the Southern District of Florida.**

F.S. 286.011(8) allows the Mayor, Town Council, and the Town Manager to meet in a Closed-Door Attorney/Client Session for the purpose of discussing strategy related to litigation.

Town Council President Wildrick announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is fifteen minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Robert N. Wildrick, Town Council President
 - William J. Diamond, President Pro Tem
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member
 - Penelope D. Townsend, Town Council Member
 - Peter B. Elwell, Town Manager

John C. Randolph, Town Attorney
Pleasanton, Greenhill, Meek & Marsaa, Court Reporters

At 12:19 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

(Clerk's Note: Council President Pro Tem Diamond arrived after the attendees relocated to the conference room.)

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

A.) Call to Order

The Special Town Council meeting was reconvened at 12:46 p.m., in the Town Council Chambers.

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

Town Attorney Randolph reported he had requested the Town Council's advice with regard to the case and he will go forward with continued settlement discussions.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, December 9, 2014, was adjourned at 12:46 p.m.

APPROVED:

Robert N. Wildrick
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 10, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on December 10, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, DECEMBER 10, 2014**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, December 10, 2014, at 9:32 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Attorney Randolph gave the invocation. Council President Wildrick led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding the proposed amendment requiring a supermajority to approve development and land use matters, expressed her concerns that the community is unaware and underinformed on the far reaching effects it would have, and asked that the current process be slowed down to allow the community to be educated on the matter. She stated that it is important to act as one Town committed to civil debate, informed decision making, and good government.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Wildrick spoke regarding the importance of civility and urged everyone to be civil during election season.

Council President Wildrick requested that any public comment regarding Item No. VIII.A.3.a., Consideration of Planning and Zoning Commission Record and Report, be held until that item is heard at 11:00 a.m., unless someone cannot stay.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Constance Gasque, 167 Root Trail, spoke regarding the condition of Mid-Town Beach.

VI. APPROVAL OF AGENDA

Responding to Council President Wildrick, Attorney Maura Ziska provided an overview of her deferral and withdrawal requests.

The following changes were made to the Agenda:

DEFERRED: Item No.VIII.A.1.b., Site Plan Review #13-2014 with Special Exceptions and Variances (Modified), was deferred to the January 14, 2015, Town Council meeting.

DEFERRED: Item No.VIII.A.1.c., Special Exception #20-2014, was deferred to the January 14, 2015, Town Council meeting.

DEFERRED: Item No.VIII.A.1.d., Variance #43-2014, was deferred to the January 14, 2015, Town Council meeting.

DEFERRED: Item No.VIII.A.1.e., Variance #44-2014, was deferred to the January 14, 2015, Town Council meeting.

DEFERRED: Item No.VIII.A.1.f., Variance #49-2014, was deferred to the January 14, 2015, Town Council meeting.

DEFERRED: Item No.VIII.A.1.h., Variance #52-2014, was deferred to the January 14, 2015, Town Council meeting.

WITHDRAWN: Item No.VIII.A.1.i., Variance #53-2014, was withdrawn.

TIME CERTAIN: Item No. VIII.A.3.a., Consideration of Planning and Zoning Commission Record and Report, was set for a 11:00 a.m. time certain.

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

VII. PUBLIC HEARINGS

Administrative Assistant Boyles administered the oath to all those who would be providing testimony.

A. RESOLUTION NO. 191-2014 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 177 Clarendon Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article

IV of the Code of Ordinances of the Town of Palm Beach.
John S. Page, Director of Planning, Zoning and Building

Historical Preservation Consultant Janet Murphy provided an overview of the Designation Report.

No ex-parte communications were declared.

Discussion ensued regarding the property only meeting one of the criteria for landmarking and the precedent of requiring properties to meet two of the criteria, the list of houses the Landmarks Preservation Commission is considering for designation, and why this house was selected for designation.

Town Attorney Randolph clarified that the Landmarks Ordinance simply says a landmark shall meet at least one of the criteria.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 177 Clarendon Avenue be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Resolution No. 191-2014 be adopted and designating the property known as 177 Clarendon Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried 4-1, with Council Member Kleid dissenting.

B. RESOLUTION NO. 192-2014 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 189 Bradley Place Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

Historical Preservation Consultant Emily Stillings provided an overview of the Designation Report.

No ex-parte communications were declared.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, that the Designation Report of the property known as

189 Bradley Place be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Resolution No. 192-2014 be adopted and designating the property known as 153 Cocoanut Row as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report 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.

C. RESOLUTION NO. 193-2014 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 1545 N. Ocean Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
John S. Page, Director of Planning, Zoning and Building

Historical Preservation Consultant Janet Murphy provided an overview of the Designation Report.

The following ex-parte communications were declared: All Town Council Members spoke with the property owner, who advocated his opposition to the landmarking.

Attorney Guy Rabideau, representing the property owners, provided an overview of the owners' objections to the landmarking.

Angela Williams, property owner, stated her opposition to the landmarking and the effect it will have on her family.

Realtor Nancy Mendel, Sotheby's International Realities, spoke regarding the difficulty in selling the property if it is landmarked.

Appraiser Joy Hernz, SRA, spoke regarding how the property doesn't meet landmarking criteria and how landmarking of the property would negatively affect the assessed value of the property.

Attorney Rabideau spoke regarding the economic loss resulting from the landmarking.

Preservation Consultant Dr. John Garner, Illinois, on behalf of the owners, spoke regarding how the property doesn't meet landmarking criteria.

Discussion ensued regarding the visibility of the property and a public purpose, landmarking criteria, the size and usability of the house, the economic effect of landmarking, Bert Harris law implications, benefits of the Landmarking Program, only landmarking the original Maurice Fatio portions of the house, and private burden versus public benefit.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that the Designation Report of the property known as 1545 N. Ocean Way be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Resolution No. 193-2014 be denied on the basis that it does not meet criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #8-2014 WITH VARIANCE (MODIFIED)

The application of Coral Beach Corporation; relative to property commonly known as 160 Seaview Avenue; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two- story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed; and, to allow the proposed house which is primarily designed with a flat roof to be constructed with an overall building height of 30 feet in lieu of the 25 foot maximum allowed. [Attorney: Francis X. J. Lynch]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural

1 impacts to the subject property. Carried 5-2, Mrs. Vanneck and
2 Ms. Grace dissenting.]

3 Deferred from the August 13, 2014, September 10, 2014,
4 October 15, 2014, and November 12, 2014, Town Council
5 Meetings

6 *John S. Page, Director of Planning, Zoning, and Building*
7

8 Administrative Assistant Boyles administered the oath to all those who would be
9 providing testimony.

10
11 The following ex-parte communication was declared: Council
12 Member Townsend received an e-mail from Attorney Lynch,
13 advocating the position of his client.
14

15 Attorney Lynch, on behalf of Coral Beach Corporation, provided
16 an overview of the applicant's request.
17

18 Zoning Administrator Castro provided Staff's comments.
19

20 Discussion ensued regarding roof style, point of measurement,
21 modifications to the plans, and the need for excavation.
22

23 John Beach, 140 Seaview Ave., expressed his opposition to the
24 project.
25

26 John Firestone, 151 Seaview Ave., expressed his opposition to the
27 project.
28

29 Oliver Burke, 167 Seaview Ave., expressed his opposition to the
30 project.
31

32 Attorney Lynch provided additional information regarding the
33 applicant's request.
34

35 Discussion ensued regarding owner use of the house, size and
36 height of the house, the amount of excavation that would be
37 needed to build the house to Code, elevation of the neighboring
38 properties, cubic content ratio, differences in points of
39 measurement, and working with the neighbors.
40

41 Architect Ralph Canton, on behalf of the property owner, spoke
42 regarding excavation and compromising by dropping the height an
43 additional 12 inches and therefore only needing the cubic content
44 ratio and roof variances.
45

46 John Beach, 140 Seaview Ave., spoke regarding the lot and house

widths and the need for a variance.

Discussion ensued regarding setbacks and lot heights.

Attorney Lynch stated that the applicant will withdraw the first two variance requests regarding building height and overall height.

Discussion ensued regarding the effect lowering the roof height would have on the cubic content ratio and what variances would be needed.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, that Site Plan Review #8-2014 with Variance (modified) be deferred to the January 14, 2015, Town Council meeting. On roll call, the motion carried unanimously.

- b. SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED) The application of T3 Family Investment, LLC; relative to property commonly known as 221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant is requesting site plan approval to construct a two (2) story 73,214 square foot mixed commercial and residential use condominium development with 47,331 square foot sub-basement with 100 underground parking spaces totaling 120,545 square feet, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor.

Special exception approvals requested are as follows:

1. to allow residential tenancy above the first floor, as required by Section 1109(a)(3) for six (6) condominium units;
2. to allow two (2) stories as required by Section 134-1113 (8)(c);
3. to allow Testa's Restaurant to occupy 3,000 square feet of gross leasable area as required by Section 134-1109 (a)(11);
4. to allow outdoor seating for 60 outdoor seats for Testa's Restaurant as required by Section 134-1109(1)(11) and 134-1111(a).

Variances being requested are as follows:

- a. to allow underground parking facilities in sub-basement to

- 1 extend on the south, west, north and east sides, into
2 required setbacks. Proposed setbacks from property line
3 range from 0.0 feet on the east, 4.2 feet on the south, 1.2
4 feet on the west and 4.1 feet on the north, all in lieu of the
5 minimum 5 feet as required in Section 134-2179(a);
- 6 b. to allow portions of the underground parking sub-basement
7 to be paved for walkways and equipment pads in lieu of
8 being landscaped as required in Section 1324- 2179(a);
- 9 c. to allow a total of 100 off-street parking spaces in lieu of
10 the required 178 off street parking spaces as required by
11 Section 134-2175;
- 12 d. to allow parking stall width to be 8.5 feet in lieu of the 9.0
13 feet minimum required by Section 1324-2172 due to
14 accommodate structural columns required for the sub-
15 basement;
- 16 e. to allow one (1) loading bay in lieu of two (2) minimum
17 required for the proposed 120,525 square foot building
18 required by Section 134-2211(a);
- 19 f. to allow for the location of a loading zone in a required
20 front yard, contrary to Code Section 134-2211(b);
- 21 g. to allow a building with a building height in excess of 15
22 feet (actual building height 30.0 feet) with front yard
23 setbacks of 3.25 feet on Royal Poinciana Way and 3.75 feet
24 on Sunset Avenue in lieu of 12.5 foot minimum as required
25 by Code Section 134-1113(5)(d) in lieu of 12.5 foot
26 minimum as required by Code Section 134-1113(5) (d);
- 27 h. to allow a building with a building height in excess of 15
28 feet (actual building height 30.0 feet) with side yard
29 setbacks of 0 feet on the west side and 0 feet on the east
30 side in lieu of 12.5 foot minimum required by Code Section
31 134-1113(6)(b);
- 32 i. to allow for the construction of a structure providing for a
33 proposed pedestrian walkway total width of 3 feet of the
34 required 5.0 feet on Royal Poinciana Way and 9 feet on
35 Sunset Avenue in lieu of 5 foot minimum required on the
36 applicant's property of the i. total 10 feet of required
37 sidewalk width, as required by Code Section 134-1113(5)
38 (c);
- 39 j. to allow a building height of 30.0 feet in lieu of the
40 maximum allowed 25.0 feet as required by Section 134-
41 1113(8)(b). The request is to have the increase in height at
42 six specific locations over the entrances to the Via and on
43 interior of Via;
- 44 k. to allow an overall building height of 39.0 feet in lieu of the
45 maximum allowed 35.0 feet as required by Section 134-
46 1113(8)(d). The request is to obtain an increase in height at

- 1 six specific locations;
2 l. to allow a maximum building length of 251.75 feet in lieu
3 of the maximum allowed 150 feet allowed per Section 134-
4 1113(10)(b);
5 m. to allow for a landscaped open space of 7.4% in lieu of the
6 minimum 25% required by Section 134-1113(11)(b);
7 n. to allow front yard landscaped open space of 14.1% along
8 Royal Poinciana Way and 33.9% along Sunset Avenue in
9 lieu of the minimum 35% required by Section 134-
10 1113(11)(c);
11 o. to allow a two (2) story building to be 120,525 square feet
12 in lieu of the maximum allowed 15,000 square feet as
13 required by Section 134-1113(12)(b);
14 p. to allow a sign with a height of 18.75 feet in lieu of the first
15 floor elevation of the building or 15 feet, whichever is
16 lower, as required by Code Section 134-2440 (c).
17 q. to allow a lot coverage of 89.5% in lieu of 70% maximum
18 allowed by Code Section 134.1113(9)(b).
19 [Attorney: Francis X. J. Lynch]
20 [Architectural Commission Recommendation: Deferred the
21 project to the November 14, 2014 ARCOM meeting.]
22 Request for Deferral to the January 14, 2015, Town
23 Council Meeting
24 Deferred from the October 15, 2014, and November 12,
25 2014, Town Council Meetings
26 *John S. Page, Director of Planning, Zoning, and Building*

27
28 **This item was deferred to the January 14, 2015, Town Council meeting.**
29

- 30 c. SPECIAL EXCEPTION #20-2014 The application of Henry
31 Harris III, Manager; relative to property commonly known as 214
32 El Brillo Way; described as Lot 27, SUPPLEMENTARY PLAT
33 OF EL BRAVO PARK, a subdivision according to the plat thereof
34 recorded at Plat Book 9, Page 9, in the Public Records of Palm
35 Beach County, Florida; located in the R-A Zoning District. The
36 applicant is requesting special exception approval to allow two
37 sliding gates (one at each entrance) on El Brillo Way (which is a
38 dead end street) with an 8.5 foot setback from the street pavement
39 in lieu of the 18 foot minimum required on a dead end street.
40 [Attorney: Maura Ziska]
41 Request for Deferral to the January 14, 2015 Town Council
42 Meeting, Per Letter Dated December 3, 2014, from Maura A.
43 Ziska.
44 Deferred from the October 15, 2014, and November 12, 2014,
45 Town Council Meetings
46 *John S. Page, Director of Planning, Zoning, and Building*

This item was deferred to the January 14, 2015, Town Council meeting.

- d. VARIANCE #43-2014 The application of Jungle Road, LLC (H. William Perry, Manager); relative to property commonly known as 120 Jungle Road; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is proposing to enclose a third floor balcony off the existing tower on the residence. The following variances are being requested: a building height plane setback of 51.3 feet in lieu of the 66.5 required building height plane setback for the tower element; and, a tower element to be 4.4% of the gross floor area of the residence in lieu of the 3.1% existing and the 1% maximum allowed in the R-A Zoning District. [Attorney: Maura Ziska] [Architectural Commission Recommendation: Deferred the project to the November 14, 2014 ARCOM meeting.]
Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated November 14, 2014 from Maura A. Ziska.
Deferred from the September 10, 2014, October 15, 2014, and November 12, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building

This item was deferred to the January 14, 2015, Town Council meeting.

- e. (i) VARIANCE #44-2014 The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to property commonly known as 375 South County Road; described as Lengthy legal description on file; located in the C-TS Zoning District. Request for a variance of twenty-two (22) off street parking spaces required for sixty-six (66) of the approved one hundred fifty seats in the restaurant. The applicant is required, as part of a special exception approval of all previous restaurants, to provide twenty-two (22) off street parking spaces with the Apollo parking lot. The applicant is requesting to eliminate that requirement. [Attorney: Maura Ziska]

(ii) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated December 1, 2014, from Maura A. Ziska.
Deferred from the June 11, 2014, September 10, 2014, and October 15, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning and Building

This item was deferred to the January 14, 2015, Town Council meeting.

- f. VARIANCE #49-2014 The application of David and Jeanne

Daniel; relative to property commonly known as 322 Seaspray Avenue; described as Lots 393 and 395 of Poinciana Park, an addition to the Town of Palm Beach, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 6, Page 86; located in the R-B Zoning District. The applicant is proposing to demolish a 147 sq. ft. one-story portion of the rear of the house and construct a 487 square foot first floor and 305 square foot second floor addition (totaling 792 square feet) on the rear of the house for a master bedroom/bath expansion (2nd floor) and kitchen/family room expansion (1st floor) and to demolish and rebuild an existing 436 sq. ft. one story cabana in the same location. The following variances are being requested: a lot coverage of 37.55% in lieu of the 31.1% existing and the 30% maximum allowed in the R-B Zoning District; a cubic content ratio (CCR) of 6.43 in lieu of the 4.99 existing and 4.39 maximum allowed; a west side yard setback of 2.1 feet in lieu of the 2.1 foot setback existing and the 12.5 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a rear yard setback of 3.5 feet in lieu of the 2.7 foot existing setback and the 10 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a west side yard setback of 7.9 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; a west side yard setback of 9.5 feet in lieu of the 15 foot minimum required for the two story portion of the addition; an east side yard setback of 5.1 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; an east side yard setback of 7.9 feet in lieu of the 15 foot minimum required for the two story portion of the addition. [Attorney: Maura Ziska]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0.] Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated December 3, 2014, from Maura A. Ziska.
Deferred from the October 15, 2014, and November 12, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building

This item was deferred to the January 14, 2015, Town Council meeting.

- g. VARIANCE #50-2014 The application of E. Burke Ross, Jr.; relative to property commonly known as 172 South Ocean Boulevard; described as Lots 5 and 6 of PRIMAVERA ESTATES (OCEAN SECTION), according to the Plat thereof as recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida, EXCEPTING therefrom the South 32.66 feet of

Lot 6; located in the R-B Zoning District. The applicant is proposing to demolish a 1,219 square foot one story structure and construct in a reduced footprint a 2,731 square foot addition for a total net addition of 1,512 square feet at the west end of the residence. The following variances are being requested to build the proposed addition: a side yard setback of 15 feet (from the alley) in lieu of the 30 foot minimum required for a lot in excess of 20,000 square feet and over 200 feet wide in the R-B Zoning District; a cubic content ratio (CCR) of 4.92 in lieu of the 4.60 existing and 3.7 maximum allowed in the R-B Zoning District; a rear yard setback of 5 feet in lieu of the 15 foot minimum required for a second story addition (the first floor has an existing 5 foot rear yard setback; and, a lot coverage variance to allow 28% in lieu of the 28.1% existing and 25% maximum allowed for a lot in excess of 20,000 square feet in the R-B Zoning District (a reduction of .1%). [Attorney: Maura Ziska]

[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.] Deferred from the October 15, 2014, and November 12, 2014, Town Council Meetings

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

The following ex-parte communications were declared: Council President Wildrick, Council President Pro Tem Diamond, and Council Members Pucillo, Kleid, and Townsend spoke with the owner. Council President Pro Tem Diamond and Council Members Pucillo, Kleid, and Townsend spoke with Attorney Ziska, who advocated the position of her client. Mayor Coniglio spoke with Frank Chopin, who advocated the position of his clients, Llwyd and Diana Ecclestone. Council Member Townsend spoke with the architect for the project.

Attorney Ziska, on behalf of E. Burke Ross, Jr., provided an overview of the applicant's request and stated that the applicant is willing to enter into a deed restriction if the variances are approved.

Zoning Administrator Castro provided Staff's comments.

Frank Chopin, representing Llwyd and Diana Ecclestone, 190 S. Ocean Blvd., stated that the property owner and his clients' have signed an agreement that allows the Ecclestons to not object to these variances. His clients are requesting that any approval of these variances be conditioned upon the following terms:

- There shall be a 23' hedge, comparable to the one along the

- 1 northern property line, placed along the south property line
 2 after construction and maintained in perpetuity and density;
 3 • The south face of the second story of the expanded
 4 structure shall never contain windows;
 5 • The south face of the second story of the expanded
 6 structure shall have a stucco finish;
 7 • There shall be no rental of the back area as a separate
 8 apartment;
 9 • The “no second story” area on the proposed south elevation
 10 shall never include a second floor;
 11 • A declaration of restrictive covenants containing these
 12 conditions shall be filed in the public record and proof of
 13 said filing be provided to the Town prior to the issuance of
 14 any permits;
 15 • Should the Ecclestones no longer own their house, and the
 16 new owners chose the removal of these restrictions, they
 17 can do so; and,
 18 • Evidence of ownership of the property shall be verified so
 19 that the appropriate parties execute the declaration of
 20 restrictive covenants.
 21

22 Discussion ensued regarding the landmarked status of the house,
 23 the proposed declaration of restrictive covenants, and ambiguity in
 24 the ownership of the property and authority to execute the
 25 declaration.
 26

27 Attorney Ziska stated that what Mr. Chopin is looking for is a
 28 trustees’ affidavit stating that the trust is in full force and effect,
 29 who the current trustees are, and that they have authority to
 30 execute the declaration.
 31

32 Discussion ensued regarding security and the hardship.
 33

34 Town Attorney Randolph advised that the Town Council not put
 35 itself in the middle of determining ownership.
 36

37 Mr. Chopin clarified that his clients are not asking the Town to
 38 determine ownership.
 39

40 **Motion was made by Council Member Pucillo, and seconded by Council Member**
 41 **Kleid, that Variance #50-2014 be granted and find, in support thereof, that all of the**
 42 **criteria applicable to this application as set forth in Section 134-201(a), items 1**
 43 **through 7 have been met, subject to the following conditions:**

- 44 • **The 23’ hedge agreed upon shall be placed on the property after**
 45 **construction and be maintained in perpetuity;**

- The south side of the second story of the expanded structure shall never contain windows;
- There shall be no rental of the back area as a separate apartment;
- There shall be no additional second story additions along the south property line; and,
- A declaration of restrictive covenant containing these conditions shall be filed in the public record.

On roll call, the motion carried unanimously.

- h. VARIANCE #52-2014 The application of Stuart Kapp, Manager of North County Oceanview, LLC; relative to property commonly known as 589 North County Road; described as The North 150 feet of that part of the South 263.8 feet of Governmental Lot 2, in Section 11, Township 43 South, Range 43 East, lying East of the County Road, a public street in the Town of Palm Beach, Florida, as now laid out and in use, together with the littoral rights appertaining thereto; located in the R-AA Zoning District. Requests a variance to construct a 220 square foot one story cabana with a 10 foot south side yard setback in lieu of the 30 foot minimum required in the R- AA zoning district. [Attorney: Maura Ziska]
- Request for Deferral to the January 14, 2015, Town Council Meeting Per Letter Dated December 2, 2014, from Maura A. Ziska.
- Deferred from the November 12, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

This item was deferred to the January 14, 2015, Town Council meeting.

- i. VARIANCE #53-2014 The application of Ronald Alvarez and Alice Ruth; relative to property commonly known as 210 Orange Grove Road; described as The East 62.5 feet of Lot 33 and the West 60 feet of Lot 34, NEW SIEARS TRACT, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 16, Page 86; located in the R-B Zoning District. A variance is requested to convert a two-car garage into a family room that was done by a prior owner without zoning approval and without a building permit. If the above variance is granted, the applicant requests the following: the applicant is proposing to construct a 712 square foot one story, one-car garage addition. The following variances are being requested to build the proposed addition: to allow the construction of a one car garage in lieu of the required two car garage for a lot in the R-B Zoning District; a rear yard setback of

6.4 feet in lieu of the 10 foot minimum setback required in the R-B Zoning District; a side yard setback of 5 feet in lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Attorney: Maura Ziska]
[Architectural Commission Recommendation: Implementation of the proposed variance to enclose the garage will not negatively impact the architecture of the house. Carried 6-1 (Mrs. Vanneck dissenting). The proposed new two car garage which requires variances can be designed in an architecturally suitable manner on another portion of the subject property and conform to the zoning code without the need for the variances. Carried 7-0]
Request for Withdrawal Per Letter Dated December 2, 2014, from Maura A. Ziska
Deferred from the November 12, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

This item was withdrawn.

2. New Business

- a. SPECIAL EXCEPTION #27-2014 WITH VARIANCE The application of Alex Gilmurray, Chief Financial Officer of the Breakers Palm Beach, Inc.; relative to property commonly known as 1 South County Road, described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting Special Exception with Site Plan Review to add an awning to the existing pergola over the walkway east of the spa. A variance is requested to demolish and reconstruct the existing entry fountain and associated basin and benches at the main entrance to the hotel. The fountain will be 24.5 feet tall in lieu of the 12 foot maximum allowed by code. [Attorney: James M. Crowley, Esq.] [Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property: Carried 7-0]
John S. Page, Director of Planning, Zoning, and Building

No ex-parte communication was declared.

Attorney Crowley, on behalf of the Breakers, provided an overview of the applicant's request.

Jane Day, 728 Granada Dr., Boca Raton, on behalf of the applicant, spoke regarding the condition of the fountain.

Planning, Zoning, & Building Administrator Page provided Staff's comments.

1 Motion was made by Council Member Kleid, and seconded by Council President
2 Pro Tem Diamond, that Special Exception #27-2014 shall be granted based upon the
3 finding that such grant will not adversely affect the public interest and that the
4 applicable criteria set forth in Section 134-229 of the Town Code have been met. On
5 roll call, the motion carried unanimously.
6

7 Motion was made by Council Member Kleid, and seconded by Council President
8 Pro Tem Diamond, that the variance related to Special Exception #27-2014 be
9 granted and find, in support thereof, that all of the criteria applicable to this
10 application as set forth in Section 134-201(a), items 1 through 7 have been met. On
11 roll call, the motion carried unanimously.
12

13 b. SPECIAL EXCEPTION #28-2014 WITH SITE PLAN REVIEW

14 AND VARIANCE The application of Everglades Club, Inc.;
15 relative to property commonly known as 350 Worth Avenue,
16 described as lengthy legal description on file; located in the C- WA
17 Zoning District. The Applicant is requesting Special Exception
18 with Site Plan Review to allow the installation of ten (10) new
19 poles for tennis court lights at the existing three easterly tennis
20 courts. Variances are requested to allow the proposed tennis court
21 lighting poles to be 24 feet tall in lieu of the 15 foot maximum
22 allowed for outdoor lighting equipment and to maintain the
23 existing landscape screening at 6.5 feet tall in lieu of the 24 feet
24 tall landscape screening that would be required at the same height
25 as the proposed lights. [Attorney: Maura Ziska, Esq.]

26 [Landmark Commission Recommendation: Implementation of the
27 proposed variances will not cause negative architectural impacts to
28 the subject landmark property: Carried 7-0]

29 *John S. Page, Director of Planning, Zoning, and Building*
30

31 The following ex-parte communications were declared: Council
32 President Pro Tem Diamond and Council Members Pucillo, Kleid,
33 and Townsend spoke with Attorney Ziska, who advocated the
34 position of her client. Council President Wildrick spoke with
35 David Skaff and the Manager of the Everglades Club.
36

37 Attorney Ziska, on behalf of the Everglades Club, provided an
38 overview of the applicant's request.
39

40 Zoning Administrator Castro provided Staff's comments.
41

42 Discussion ensued regarding other lighting options, lighting pole
43 heights in other areas, and visibility of the lights.
44

45 Motion was made by Council President Pro Tem Diamond, and seconded by
46 Council Member Pucillo, that Special Exception #28-2014 shall be granted based

upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that the site plan review related to Special Exception #28-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1-11. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that the variance related to Special Exception #28-2014 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- c. SITE PLAN REVIEW #17-2014 The application of Ocean Way Properties, LLC.; relative to property commonly known as 249 Orange Grove Road, described as the East 23 feet of Lot 10 and the West 61 feet of Lot 9, NEW SIERS TRACT, a subdivision of the Town of Palm Beach, Florida, according to the Plat thereof, recorded in Plat Box 16, Page 86, of the Public Records of Palm beach County, Florida; located in the R-B Zoning District. The Applicant is requesting Site Plan Review to allow the construction of a 4,183 square foot two- story, single family residence on a non-conforming platted lot which is 9,135 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 84 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. [Attorney: Maura Ziska, Esq.]

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

The following ex-parte communications were declared: Council President Pro Tem Diamond and Council Members Kleid and Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Ocean Way Properties, LLC, provided an overview of the applicant's request.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Diamond, that Site Plan Review #17-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the

individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1-11. On roll call, the motion carried unanimously.

- d. VARIANCE #55-2014 The application of Terry R. Taylor; relative to property commonly known as 780 South Ocean Blvd., described as 35-43-43, S 267.05 ft. of N 341.52 ft. of Government Lot 1 East of Ocean Boulevard & S 266.52 ft. of N 341.52 ft. of Government Lot 1 lying between Ocean Boulevard & County Road; located in the R-A Zoning District. The Applicant is requesting a Variance to construct a new guest house with 3 car garage with a proposed side yard set-backs of 16.5 feet to 18.95 foot in lieu of 30 foot minimum required. [Attorney: Peter S. Broberg, Esq.]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property: Carried 6-1, Mr. Cooney opposed]
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communications were declared: Council President Wildrick, Council President Pro Tem Diamond, and Council Members Pucillo and Kleid spoke with Attorney Broberg, who advocated the position of his client.

Attorney Broberg, on behalf of Terry R. Taylor, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the hardship, redesigning the project to be more compliant with the Code, and modifying landmarked properties.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that Variance #55-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- e. (i) VARIANCE #56-2014 The application of Ronald Kochman, Trustee of the 105 Clarendon Road Revocable Trust dated 6/20/2013; relative to property commonly known as 105 Clarendon Avenue, described as lengthy legal description on file; located in the R-A Zoning District. The Applicant is requesting the following Variances to rebuild a landmark house that has been demolished beyond the threshold of 50 percent cubic volume. The requested variances are: a) to allow a west side yard setback ranging from 2.2 feet to 13.9 feet in lieu of the 30 foot minimum required for lots in

excess of 60,000 square feet; b) to allow for added overall height in a non-conforming side yard setback for the conversion of a section of flat roof to a sloping roof; c) to allow a street rear yard setback along South County Road ranging from 19.8 feet to 29.4 feet in lieu of the 35 foot minimum required; d) to allow a building height of 26.0 feet in lieu of the 25 foot maximum allowed. The Applicant is also requesting a waiver to allow demolition after December 1st for a period of one week after the demolition permit is issued. [Attorney: Maura Ziska, Esq.]

[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property: Carried 5-2, Ms. Hufty and Mr. Silvin opposed]

The following ex-parte communications were declared: Council President Pro Tem Diamond and Council Members Pucillo, Kleid, and Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of property owners Mr. & Mrs. Schumacher, provided an overview of the applicant's request and stated that this house is basically a replica of the exterior of what existed prior to the demolition.

Architect Harold Smith, Smith & Moore Architects, on behalf of the applicant, confirmed that the measurements are exactly the same, with the exception of a minor roof reconfiguration, which he provided additional information on.

Planning, Zoning, & Building Director Page read into the record a statement from Rene Silvin requesting that the Town Council consider the four requests as separate variances.

Gloria Stewart, 129 Clarendon Ave., spoke in opposition to the west side yard setback request.

Attorney Ziska restated that they are looking to rebuild the current structure and that nothing is being added.

Zoning Administrator Castro provided additional information on the project.

Discussion ensued regarding the driveway owned in common.

David Stewart, 129 Clarendon Ave., spoke in opposition to the west side yard setback request.

Discussion ensued regarding meeting the setback requirements.

Lori Volk, 206 Phipps Plaza, spoke in support of Mr. Silvin's comments, regarding future variance requests, in opposition to approving the front variance, and the hardship.

Motion was made by Council Member Kleid, and seconded by Council President Wildrick, that Variance #56-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

(ii) Demolition Time Exception - 105 Clarendon Avenue
John S. Page, Director of Planning, Zoning, and Building

Attorney Ziska spoke regarding the need to request the demolition time exception waiver.

Planning, Zoning, & Building Director Page provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve the demolition time exception, subject to final approval of the Certificate of Appropriateness by the Landmarks Commission at its next meeting. On roll call, the motion carried unanimously.

Mayor Coniglio requested that Attorney Ziska meet with Mr. & Mrs. Stewart going forward to have a dialogue and keep them informed during the construction process.

Council President Wildrick requested that Mr. Schumacher and Architect Smith also meet with Mr. & Mrs. Stewart regarding the project.

- f. VARIANCE #57-2014 The application of Harold Baxter; relative to property commonly known as 663 Island Drive, described as Lot 65 and the South 25 feet of Lot 63, Everglades Island Development (formerly Lone Cabbage Island Development) according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 18, Page 31, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The Applicant is requesting a Variance to construct a parapet roof system around the existing pitched roof that would have an overall height of 22 feet in lieu of the 17 foot maximum allowed for a one story house in the R-B Zoning District. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of

the proposed variance will not cause negative architectural impacts to the subject property. Carried 5-1, Ms. Vanneck opposed]
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communications were declared: All Town Council Members spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Harold Baxter, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Administrative Assistant Boyles administered the oath to all those who would be providing testimony and had not been sworn in.

Architect Tom Kirchhoff, provided additional information regarding the project.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Diamond, that Variance #57-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- g. VARIANCE #58-2014 The application of Pamela Gottfried; relative to property commonly known as 748 Hi-Mount Road, described as Lot 125 MARK RAFALSKY TRACT, according to the Plat thereof as recorded in Plat Book 11, Page 51, of the Public Records of Palm Beach County, Florida.; located in the R-B Zoning District. The Applicant is currently the owner of 748 Hi-Mount Road that was constructed in 1983 by her husband Robert Gottfried, who has since passed away. In 1983, after failing to get a variance for lot coverage and side yard setbacks for a 2 story home, Mr. Gottfried applied for a building permit to build a one story house with a basement level below and agreed at the time that the basement would not be used for "habitable purposes" thus making the residence a legal one story residence. In 1985 Mr. Gottfried applied for a variance to use the basement level for "habitable purposes" which would turn the home into a two story residence with non-conforming setbacks and lot coverage. The Town denied that request. In 1991, Mr. Gottfried requested three rooms in the basement to be converted to habitable space. The Town granted this request with the condition that Mr. Gottfried execute a recorded document that there could never be another story built onto the existing residence. Sometime after this

construction, Mr. Gottfried built out more area outside of the basement under the pool deck that was not initially part of the basement (including a kitchen, movie theatre, billiard room, ice cream parlor, and office) without zoning approval or a building permit. All of the above mentioned acts occurred prior to the Applicant owning the property. In order to correct the past unauthorized work in the basement (lower level), the Applicant is requesting the following Variances to bring the current house into compliance:

1) a lot coverage of 49.9% in lieu of the 30% maximum allowed for a two story house; 2) a south side yard setback of 11.9 feet in lieu of the 15 foot minimum allowed for a two-story house; 3) a north side yard setback of 12.5 feet in lieu of the 15 foot minimum allowed for a two-story house. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communications were declared: Council Members Pucillo, Kleid, and Townsend spoke with Attorney Ziska, who advocated the position of her client. Mayor Coniglio and Council President Pro Tem Diamond spoke with Lawrence Moens, who advocated for the property owner. Council President Wildrick, Council President Pro Tem Diamond, and Council Member Townsend spoke with Jack McDonald.

Attorney Ziska, on behalf of Pamela Gottfried, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Former Planning, Zoning, & Building Director Bob Moore, provided additional history regarding the property.

Discussion ensued regarding when the unpermitted modifications were made, records of the unpermitted work, the deed restriction, the nature of the unpermitted modifications, similar situations, and the value of the modifications.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, that Variance #58-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, with the notation for the record that this is an extremely unusual situation and that Town Staff, at the time the unpermitted work was done, also had some responsibility for the current situation. On roll call, the motion carried unanimously.

3. Other

a. Consideration of Planning and Zoning Commission Record and Report Including Recommendations to Adopt:

(i) a Housekeeping Item Relative to Rebuilding Non- Conforming Buildings or Structures that Contain Non-Conforming Uses; and

Director of Planning, Zoning, & Building Page provided an overview of the Commission's recommendation.

By consensus of the Town Council, the Committee's recommendation was approved.

(ii) an Ordinance and/or Charter Amendment to Require a Super Majority Vote of the Town Council for Approval of Variances, Zoning Changes, Zoning Text Amendments and Comprehensive Plan Amendments.

TIME CERTAIN: 11:00 A.M.

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

Director of Planning, Zoning, & Building Page provided an overview of the Commission's recommendation, and stated that the only super majority requirement today is for zoning district boundary changes.

Susan Markin, Planning & Zoning Commission Chair, provided additional information regarding the Commission's recommendation.

Michael Scharf, 225 Dunbar Rd., spoke in support of the super majority amendment.

Alexander Ives, Preservation Foundation President, asked for a little more time and study on this issue to address the concerns raised.

Bruce Heyman, 3140 South Ocean Blvd., agreed that more time is needed to study the issue.

Ned Barnes, Palm Beach Civic Association, stated that the Association does not have an official position on the issue at this time, and that more time is needed to get a handle on this. He added that the Association is willing to help get the word out regarding this issue.

Llwyd Ecclestone, 190 S. Ocean Blvd., agreed that it is not the right time to talk about this, and also spoke regarding the condition

of the beach.

Leslie Evans, 135 Seminole Ave., agreed that this is a major issue that needs to be studied further.

Robert Moore, 318 Bunker Ranch Rd., West Palm Beach, spoke regarding his experience as a Town employee in planning and zoning matters, the spirit of compromise he observed, and in opposition to the proposed supermajority amendment.

Council President Wildrick spoke regarding the Mayor's right to veto any vote.

Zoning Administrator Castro provided a background on how the recommendation came about.

Planning and Zoning Commission Chair Markin provided additional background on how and why the recommendation came about.

Discussion ensued regarding how much time was spent studying this issue, what information was reviewed by the Commission, whether the amendments should go into the Charter, the Zoning Code, or the Comprehensive Plan, considering variances, zoning changes, and Comprehensive Plan Amendments separately, the PUD-5 vote and referendum earlier this year, the existing supermajority requirement for Zoning Code changes, the Zoning Code and why so many variances are needed, protecting the Comprehensive Plan and Zoning Code, respecting the wishes of the community, the Testa Project, the variance process, the amount of time spent on other matters versus these recommendations, the need to educate the public on these matters, and the ramifications of approving a super majority requirement.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to direct Staff to prepare a Zoning Ordinance Amendment requiring a super majority vote of the Town Council for approval of Comprehensive Plan Amendments. On roll call, the motion carried 3-2, with Council President Wildrick and Council Member Kleid dissenting.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to direct Staff to prepare a Zoning Ordinance Amendment requiring a super majority vote of the Town Council for approval of variances. On roll call, the motion failed 2-3, with Council President Wildrick and Council Members Kleid and Pucillo dissenting.

Discussion ensued regarding putting these matters before the public and when the questions could be placed on the ballot.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to table further discussion on setting a Charter Referendum for these matters to the January 14, 2015, Town Council meeting. On roll call, the motion carried 3-2, with Council President Pro Tem Diamond and Council Member Townsend dissenting.

- b. Murphy Stillings LLC Report Regarding Potential Designation of a Royal Poinciana Way Historic District on the National Register of Historic Places.

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

Director of Planning, Zoning, and Building Page provided an overview of the process.

Discussion ensued regarding the nature of the designation and what it would mean, and the consequences of designation.

Historical Preservation Consultant Emily Stillings provided additional information on designation.

Director of Planning, Zoning, and Building Page spoke regarding the local Landmarks Preservation and Architectural Commission approval procedures.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to proceed with the Designation process and to refer the matter to the Landmarks Preservation Commission. On roll call, the motion carried unanimously.

- c. Consideration of Conditions of Approval for Buccan Restaurant Sandwich Shop, Catering and Delivery Service, Special Exception #4-2014, 350 South County Road.

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

The following ex-parte communications were declared: Mayor Coniglio received calls from residents about the parking. Council President Pro Tem Diamond spoke with the applicant. Council Member Townsend received correspondence from residents about the parking.

Zoning Administrator Castro stated that the sandwich shop has not opened yet and that the applicant has not begun the catering or

delivery services either. He reported on several issues and complaints received since their approval.

Attorney Maura Ziska, on behalf of Buccan Restaurant, stated that the sandwich shop will open on Monday and that they have had a handful of catering jobs to her knowledge.

Zoning Administrator Castro stated that one of the conditions of approval was that they not do any catering.

Code Enforcement Manager Houston spoke regarding complaints received regarding the parking.

Council President Pro Tem Diamond read Staff's recommendations, as follows:

- The applicant shall come back before the Town Council on June 10, 2015, for review of catering and sandwich shop operations. If the restaurant fails to obtain a catering business tax receipt, and begins catering services, the catering approval will expire and such service will not be allowed without obtaining special exception approval.
- The restaurant shall not be allowed to sell package beer and wine for offsite consumption, unless a special exception is granted.
- The proposed bench in front of the restaurant shall not be permitted.
- The restaurant shall address parking and loading issues to the satisfaction of the Town Council.

Attorney Ziska spoke regarding the loading area, and requested that it be shifted closer to Australian Avenue on a trial basis.

Discussion ensued regarding the parking and valet situation, traffic impacts from the sandwich shop opening, adding more valets, and shifting the loading area.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to approve Staff's recommendations, as stated above, regarding the Conditions of Approval for Buccan Restaurant Sandwich Shop, Catering and Delivery Service, Special Exception #4-2014, 350 South County Road. On roll call, the motion carried unanimously.

Zoning Administrator Castro requested that the Police Department be authorized to work with the restaurant to determine if there is a better way to run the valet operations.

By consensus of the Town Council, the Police Department was authorized to work with the restaurant to determine if there is a better way to run the valet operations.

IX. ORDINANCES – None

X. ANY OTHER MATTERS

Mayor Coniglio expressed her concerns regarding the loss of historic trees on private property.

XI. ADJOURNMENT

There being no further business, the December 10, 2014, regular Town Council meeting was adjourned at 5:17 p.m.

APPROVED:

Robert N. Wildrick
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date _____

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of December 11, 2014.

Presenter

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

Supporting Documents

- [Memorandum dated December 12, 2014 from John S. Page, Director of Planning, Zoning and Building](#)
- [Minutes of the Architectural Commission Meeting of December 11, 2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of December 11, 2014

Date: December 12, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of December 11, 2014.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of December 11, 2014.

GENERAL INFORMATION

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

Attachment

JSP:cmd



MINUTES
ARCHITECTURAL COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH

THURSDAY, DECEMBER 11, 2014, 9:00 a.m.

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 or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (9:00:00 a.m.):

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

II. ROLL CALL:

Robert J. Vila, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Member	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Alternate Member	ABSENT (present for less than one-half of meeting duration)
Michael B. Small, Alternate Member	PRESENT
Maisie Grace, Alternate Member	PRESENT

Let the record show that a court reporter, Julie Andolpho, was present for B-115-2014 and B-125-2014.

III. PLEDGE OF ALLEGIANCE: (09:00:08 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE NOVEMBER 14, 2014 MEETING: (09:00:29 a.m.)

MOTION BY MR. GARRISON FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

V. **APPROVAL OF THE AGENDA: (09:00:45 a.m.)**

MOTION BY MRS. VANNECK FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR KARAKUL.

MOTION CARRIED UNANIMOUSLY.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:00:52 a.m.)**

Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

VII. **OTHER BUSINESS: (09:01:05 a.m.)**

A. **Informal Review: 201 Angler Avenue (09:01:16 a.m.)**

Request use of galvanized steel windows with small U-PVC covering the steel

No one was present on behalf of this informal review. There was no discussion or action.

VIII. **PROJECT REVIEW: (09:02:03 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (09:02:05 a.m.)**

B - 093 -2014 New Residence

Address: 152 Dolphin Road

Applicant: Dr. Josef Huainigg

Architect: Michael Johnson

Project Description: New two-story single family residence, updated Dutch Colonial style. White stucco finish with light grey metal shutters and light grey cement tile roof. New landscape and hardscape.

At the August meeting, a motion carried for deferral to the September meeting for complete re-design and re-study. At the September meeting, a motion carried for deferral to the November meeting. The architect has changed. At the November meeting, a motion carried to approve the architecture as presented with the exception of the gable which is to be re-studied and returned in December; and, defer the landscaping for further study, with larger presentations, also to the December meeting.

Please note that when this item was called, Mr. Vila announced that the applicant's representatives were held up by traffic. He requested the following motion:

MOTION BY MRS. VANNECK TO MOVE THIS ITEM TO THE END OF MAJOR PROJECTS-OLD BUSINESS.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

Later when the item was re-called:

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

ARCHITECTURAL PRESENTATION BY: Michael Johnson and Daniel Menard

LANDSCAPE PRESENTATION BY: Louis Vlahos, Majestic Views Landscape Architects Inc.

Mr. Johnson introduced Daniel Menard to provide the presentation of the revised plans pursuant to comments made at the last meeting. Mr. Menard stated that the clearstory window in the gable on the rear elevation has been removed from the plan.

Mr. Vlahos continued with the revisions to the landscape/hardscape. Changes include: Increased hedge height on west side to 8 ft.; sculpted 14 ft. Pigeon Plums in the rear; Bamboo on east and west sides replaced with triple Foxtail Palms; 6 ft. Podocarpus hedge in rear; and, added two double Montgomery Palms to screen upper level windows on west side.

Commission Comments: North elevation has a Regency style element sheltering the front door...it is unsupported...would you consider brackets or posts?; agree that it needs supports; and, rear gable pops up above the center spine.

MOTION BY MR. GRUSS TO APPROVE THE LANDSCAPE PLAN AS PRESENTED AND THE CHANGE TO THE GABLE END FENESTRATION.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED 5-2, WITH MR. SAMMONS AND MR. VILA OPPOSED.

B - 095 - 2014 Addition

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 120 Jungle Road

Applicant: Jungle Road LLC (Mr. and Mrs. Leo Vecellio Jr.)

Architect: MP Design & Architecture, Inc.

Project Description: Existing tower terrace consisting of 200 square feet to be enclosed as part of existing tower.

At the August meeting, at the request of the applicant's representatives, a motion carried to defer to the September meeting with the strong suggestion that this does not come back in this form. At the September meeting, the project was not heard, and a motion carried for deferral to the October meeting at the request of the applicant. At the October meeting, a motion carried for deferral to the November meeting at the request of the architect. At the November meeting, the project was not heard, but a motion carried for deferral to the December meeting at the request of the architect.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION: Michael Perry, MP Design & Architecture, Inc.

Mr. Perry presented the revised project in accordance with the submitted plans. He indicated that the addition now occurs on the north end of the tower, and reduces the requested height plane variance by 9 feet.

Commission Comments: When it becomes this shape and size, it ceases to be a tower...this is such an important architect (Wyeth), that messing with his design gives me pause; much better than it was...hidden and set back enough...good interpretation and the best that you could do to expand it; we are going to lose Wyeth by changing that tower...not successful...damages the house; it is no longer a tower; cannot support this alteration to this important house; it is the best you could do, but the question is...should you do it?, and the answer is no.

MOTION BY MRS. VANNECK THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. VANNECK TO DEFER TO JANUARY.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED UNANIMOUSLY.

B - 100 - 2014 Additions and Renovations

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 160 Royal Palm Way

Applicant: 160 Royal Palm, LLC

Architect: RAR Architect, Inc.

Project Description: Additions and renovations to previously approved Palm House Hotel project.

At the August meeting, a motion carried that implementation of the proposed variances (related to the architecture) will not cause negative architectural impacts to the subject property. A second motion carried to defer the landscaping to the September meeting, until the front is resolved. A third motion carried to "approve the architecture with what would be the southeast corner where (there) is a proposed spa deck and parapet and elevator...(with) that one section and area to be deferred (to September) and re-studied." At the September meeting, the project was not heard, and a motion carried for deferral to the October meeting at the request of the applicant. At the October meeting, a motion carried for deferral to the December meeting at the request of the attorney for the applicant.

No new and/or revised plans have been submitted to the Town subsequent to the Council's October 15 meeting. The Council denied the request for Special Exception, Site Plan Review and Variances, although several items (pool configuration, awning, front door, east elevation corridor enclosure and paint color) were indefinitely deferred. Because there are no new and/or revised plans, staff recommends that this business item be removed from the agenda.

MOTION BY MRS. VANNECK FOR REMOVAL FROM THE AGENDA.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

B - 108 - 2014 New Mixed Use Condominium/Commercial

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue

Applicant: T3 Family Investments, LLC

Architect: Dailey Janssen Architects, Roger Janssen

Project Description: Construction of a 120,525 square foot, two (2) story mixed use condominium structure with 100 underground parking spaces, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor totaling 36,179 square feet (34,618 square feet under air). Building Color-Off White; Roof-Terra Cotta Clay Barrel tile; Trim-Terra Cotta

At the September meeting, after review of the project, a motion carried for deferral to the October meeting. At the October meeting, after review of the project, a motion carried for deferral to the November meeting. At the November meeting, after review of the project, a motion carried for deferral of the architecture and a second motion carried for deferral of the landscaping.

Call for disclosure of ex parte communication: Disclosure by all members

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker Yannette Design Group

ATTORNEY PRESENT: Frank Lynch for the applicant

OTHERS WHO TESTIFIED: Paul Castro, Zoning Administrator

Mr. Janssen presented revised plans in response to the comments from the last meeting. Some of the changes include: Continued more arcade and colonnade along Royal Poinciana Way and Sunset Avenue; on the east perimeter, pulled the building away from the property line; studied and modified the garage entry by creating a colonnade with an open covered area for cars to pull into, recessed wall and structure of service bay, and moved gates that were directly on the sidewalk; and several changes to the courtyard to be presented by Mr. Yannette.

It should be noted that all members expressed their appreciation for the all of the time and hard work put into this project by Mr. Janssen and the rest of the design team.

Commission Comments: Very nice...thank you for listening; can we move this forward by looking at the massing and the urbanism for now, and then look at the details later?; moving to four bays in the center building is great...it fixes the scale there; perhaps add more variation between the two towers; the plan...lovely...perhaps the vias might have slightly different characters; create sense of mystery in alleys to apartment entrances by creating tiny courtyards in front of those doors; the middle bridge needs work; it seems a little weird at the garage at the service entry....the masonry wall is hanging over air; the beams between the columns seem overly massive at the shed roof; the urbanism and massing are great; you were creative at the garage; not a fan of the awnings at the garage opening; details provided are terrific; this is a very important block and this will set the tone for this entire city block; one continuing concern at the service bay...where is there room for delivery trucks to maneuver?...concerned about the impact of the deliveries to the neighborhood; the fears of it being overwhelming have been mitigated by the fact that the architecture supports an interesting urban environment; you have refined it...it is viable and is what the town needs; the authenticity of the details and materials is so important...if that is not done, we will have City Place...the details and materials have to be of the best quality; every time you come back the plans are so much better; concern regarding repetitive arches; perhaps consider a greater variation of roof lines; has the number of variances changed?; what is the reaction of the neighbor to the east?; I don't feel that the project is as far along as others do; concern with 7 arches repeating; there is work to be done on the west tower of the east building at the second story; a lot of medallions; more asymmetry is needed in the center building; more can be done on the east and west sides of the property; it seems like there are a lot more awnings; more efforts are needed on the second story section in the courtyard; hesitate to approve massing and siting and planning without the architecture...partial approvals get confusing; we should approve this concept and push it to the Town Council because if the Town Council turns down the parking, our work is meaningless; there is still a need for further tweaking; thank you to the Testa family for going through this process and for making a great contribution to our main street; improvements are terrific; concern regarding pipe framed awnings, aluminum Colonial shutters, and choice of materials; would like to see cast stone, Dominican stone, and coquina; Sunset is

very improved, but needs more work, especially the center mass...it has a western flavor; work on the bases of the columns; tweak the details of the shed roof on the eastern end; but, for urban impact and user friendly, it's terrific.

It should be noted that several samples of roof tiles and decorative tiles were shown.

Mr. Yannette continued with the revised landscape/hardscape plan pursuant to the submitted plans. He stated that the landscape changes are in response to the change in architecture. Changes include: Change one of the large trees in the courtyard to a multi-trunk Sylvester Palm; added other palms; change configuration of planters; more pots; more annuals; more subtle use of decorative tiles; coral stone caps topping stucco planter walls; and, attempt to soften the planters with layering so the plants become the focal point, rather than the planters. Mr. Yannette showed updated colored renderings of the courtyard, and details of various fountains (wall fountains, pedestal fountains and fountains in the planters).

Commission Comments: Much improved, but the large planters cannot just be one large piece...it should look aged with definition; like the idea of less tile, but perhaps use better tile...more authentic tiles; the fountains are not there yet...give them age and authenticity...and the same with the light fixtures; agree that antique elements are needed; issues with treatment of east and west perimeters; more variety is needed; perhaps a scented garden; and, use of vines is terrific.

There was substantial discussion as to how to proceed. Mr. Page stated that ARCOM, if satisfied with the massing, could opt to make a recommendation relative to the variances, but withhold final approval of the project. It could then come back to ARCOM for a focus on the details. Mr. Page asked Mr. Lynch to meet with staff to verify the variances requested, since the project has changed several times over the last several months. Chairman Vila stated that ARCOM wants to get to a point where we can approve the architecture and details as presented. Mr. Janssen responded that he could come back to ARCOM for further discussion of details, i.e., a palette of materials, colors and textures for each building.

Several members spoke in favor of approving the concept as presented, and making that known to the Town Council. Mrs. Vanneck added that we need to review the variances and make recommendations on the variances, but we also want to send our wholehearted support of the project, recognizing that additional tweaking is needed on the details.

Paul Castro, Zoning Administrator, advised that ARCOM is to make a recommendation on the variances related to the architecture.

Mr. Lynch discussed the Town Council approvals required for the project: Site Plan Review, 4 Special Exceptions, and a series of variances related to the architecture.

MOTION BY MRS. VANNECK THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY. *(Let the record show that Mr. Sammons was out of the Chambers at the time of this vote. Mr. Ives voted in his stead.)*

**MOTION BY MRS. VANNECK TO DEFER THE ARCHITECTURE TO THE FEBRUARY MEETING.
THERE WAS NO SECOND TO THIS MOTION.**

MOTION BY MR. GARRISON “TO SEND THIS TO THE TOWN COUNCIL APPROVING THE SCHEMATIC PLAN OF THIS PROJECT AND THAT IT IS DEFERRED FOR THE FINAL ARCHITECTURE TO FEBRUARY SO THAT IN FEBRUARY THE APPLICANT CAN COME BACK WITH ALL OF THE REQUIREMENTS SHOWN FROM THE VARIANCES THAT WERE GRANTED OR NOT GRANTED AND THE DETAILS AND THE MATERIALS PRESENTATION OF EACH BUILDING, AND THEN IN FEBRUARY, THAT WE TAKE THIS UP.”

MOTION SECONDED BY MR. SAMMONS ADDING... ITS URBANISM IS APPROVED SCHEMATICALLY.

There was additional discussion relative to the motion.

MOTION CARRIED 4-3, WITH MR. KARAKUL, MR. KNOWLES, AND MR. GRUSS OPPOSED.

Let the record show that there was a short recess from 11:01 to 11:18 a.m. Let the record show that Mr. Ives did not return to the meeting.

B - 115 - 2014 New Residence

Address: 1340 South Ocean Boulevard (f/k/a 1300 South Ocean Boulevard - Lot 3)

Applicant: Mark Pulte, Mark Timothy Luxury Homes

Architect: Affiniti Architects, Benjamin Schreier

Project Description: Two-story Georgian influenced home totaling 16,665 sq. ft., swimming pool and associated landscaping. Building and Trim Color-White; Roof-Red concrete tile

At the October meeting, after hearing the project, a motion carried to defer to November for re-study. At the November meeting, after hearing the project, a motion carried for deferral to the December meeting.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Benjamin Schreier, Affiniti Architects

LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Designs

ATTORNEY PRESENT: Maura Ziska for the applicant

Mr. Schreier presented revised plans pursuant to the commission comments at the last several meetings. It should be noted that a model of the proposed home was brought to the meeting. Changes to the design include: Roof pitch reduced; windows changes from 4 over 4 to 6 over 6; pediments re-studied; modillions are now smaller, more closely spaced and re-aligned; chimney detail simplified; windows are now wider and window spacing changed; quoins reduced in scale; crown moulding revised; other fenestration changes; removed chimney at covered loggia and reduced angled portion; and, re-studied columns and orders in front and rear. A sample of a window and the roof tiles (in a slate red color) were shown. Mr. Schreier noted that the house is proposed in stucco with stucco trim.

Commission Comments: Much improved, but still a lot of work needed on the details; overall proportions, driven by the plan, are the larger issue; issue with columns; entablature is missing the

corona and it is not the right size for the height of the column; the over-window pediments are still not there yet; there are basic plan issues causing the house to be “fat”; good effort, but cannot support it in this current form; much improved; a problem exists when we have a mansion with a program that is driven more from a business perspective than from an individual client’s perspective...it becomes bloated, and when you try to put that program in the language of Classical architecture, you have the problems which have been discussed; it’s close; tend to the fine points, like the column style, for example; is the use of the oval windows and the rectangular windows in the reveals essential?...they look like they are crammed in there; these are beautiful lots in a very special place with historic significance; it has a lot of character, but because of the mass in the center, it looks like it is squashed; proportions of building are off; the gates in the front seem to detract from the symmetry of the house and add to the confusion; and, yard waste should be relocated elsewhere.

Mr. Schreier asked for a specific list of items to be addressed.

Mr. Peterson continued with the landscape/hardscape in accordance with the submitted plans. Design elements include: 6 ft. high concrete wall across the front with 3 tiers of hedges outside the wall; series of Hawthorne trees along the road; clusters of Holly trees; inside the wall, five 20 ft. Magnolia trees; layered landscaping against the house; 6 Royal Palms; large Strangler Fig to be relocated to the southwest corner; existing palms onsite to be relocated to south property line; 15 Coconut Palms to be installed at varying heights across the back; and, added more landscaping along the north side of house.

Commission Comments: Object to all of the architectural elements in stucco...materials upgrade is warranted...cheaply built, oversized spec home; hard to believe that a house of this size has stucco trim...this is a mansion; on the east elevation, why would you place a tree directly in front of the front door?; this house is maxed out; opposed to a stucco house with stucco trim; this is an important location, an expensive house, a mansion...it needs to be improved further; would like to see stone trim; work on column proportion and moulding design, and want to see good Classical features; always amazed at how much structure can be held up by glass; and, issues with widths of fenestration on west elevation.

MOTION BY MR. SAMMONS TO DEFER (TO JANUARY).

Upon hearing this motion, the architect and Ms. Ziska requested a motion for approval with items of concern to be reviewed later. Mr. Sammons responded that the items are too numerous for such a motion, and the problems are plan driven, and the plan must be re-studied.

MOTION SECONDED BY MR. GARRISON. MOTION CARRIED UNANIMOUSLY.

Mrs. Vanneck noted that just because the commission does not say something about one item, that doesn’t make it right. The architect should look at this as an overall project that is being deferred. Ms. Ziska argued that nothing was said three months ago about the small windows which were mentioned today. Mr. Karakul responded that it is the role of the architect to refine and make it graceful, and the members are not trying to design the house; they are just asking for good architecture. Mr. Gruss commented that no thought has been given to the living areas of this house and that the house was ill-conceived in the first place.

B - 125 - 2014 New Residence

Address: 1330 S. Ocean Boulevard (formerly known as 1300 S. Ocean Blvd. Lot 2 Casa Apava)
Applicant: Mark Pulte, Mark Timothy Luxury Homes
Architect: Affiniti Architects, Benjamin Schreier
Project Description: Two-story West Indies influenced home totaling 15,240 sq. ft., swimming pool and associated landscaping. Building and Trim Color-White; Roof-Brown Concrete Roof Tiles; Shutter Color-Blue

At the November meeting, after hearing the project, a motion carried to defer the project to the December meeting for re-study.

Call for disclosure of ex parte communication: Disclosures by all members except Mr. Knowles

ARCHITECTURAL PRESENTATION BY: Benjamin Schreier, Affiniti Architects
LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Designs

Mr. Schreier presented revised plans in response to the comments made at the last meeting. It should be noted that a model of the house was brought to the meeting. Changes to the plans include: Change the position of the garage doors so they are side-loading instead of front-loading; removed driveway fountain in favor of landscape island; change to chamfers at columns; detail at windows reduced; changed banding around house; cabana bath revised to be part of the covered loggia instead of a stand-alone structure; and, fenestration changes.

Commission Comments: This house has no character; you cannot tell where the front door is located; so much stucco; could not approve this in this scale and in this neighborhood; the house is big with not much character....a lot less formal than Casa Apava...it doesn't belong here; the use of a semi-circular bedroom connected to a rectangular porch is not Palm Beach; it does not have the quality to stand in Palm Beach; cannot support this house; the major problem is that it is a mansion masquerading as a cottage; issue with height of doors; the garages look miniscule compared to the house; the front facade should be less transparent; there is room for this style, but executed correctly; the scale does not complement the style; does not look like West Indies style; there is a way to build a 15,000 sq. ft. house in this style; looks like a middle class suburban home; several issued with north elevation; cannot support this house.

MOTION BY MR. GARRISON TO DEFER FOR RE-STUDY (TO JANUARY).
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

B - 131 - 2014 Landscape/Hardscape

Address: 176 Sunset Avenue
Applicant: 176 Sunset Avenue LLC
Architect: KVL A Design, LLC - Landscape Architects
Project Description: Final hardscape, landscape and landscape lighting plan for the new construction of a townhouse with two residences

At the November meeting, after hearing the project, a motion carried to defer for re-study, and resolve the issues with the neighbors, and re-study the back wall so there is increased wall protection between the properties to the south. ***Please be advised that the landscape architect has requested deferral to the January meeting.***

**MOTION BY MRS. VANNECK FOR DEFERRAL TO THE JANUARY MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

B. **MAJOR PROJECTS-NEW BUSINESS: (11:57:57 a.m.)**

B - 122 - 2014 Alterations and Landscape/Hardscape

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 208 Sandpiper Drive

Applicant: Mr. Stephen Livaditis

Architect: Roger P. Janssen

Project Description: 1. Alterations to existing entry portico. 2. Replace existing doors and windows. 3. New hardscape and landscape (1, 2, & 3 relate to 208 Sandpiper Drive) Review of the existing landscaped open space which will be non-compliant with the Code if split from the Vacant Lot 24 on Sandpiper Drive.

Call for disclosure of ex parte communication: Disclosures by Mr. Small and Ms. Grace

ARCHITECTURAL PRESENTATION BY: Roger P. Janssen, Dailey Janssen Architects
LANDSCAPE PRESENTATION BY: Bob Fleck

Mr. Janssen presented the project in accordance with the submitted plans and as described above. During this presentation, Mr. Janssen explained the situation with this lot and two other neighboring lots, with regard to the variance needed for setback at 208 Sandpiper Drive. He stated that the owner wants to keep the house in its present footprint as a one-story Regency style house. Design elements include: Remove large Ficus hedge in the arched door leading to the front door; re-do windows and doors, changing their style, and including removal of shutters and eyebrow details; widen the entry portico; other fenestration changes as presented; and, replace wood pergola at pool deck with concrete and stucco.

Commission Comments: Simple and nice, but issue with width of windows on north elevation; like the changes presented; questions regarding variance (Mr. Lindgren responded by reading the requested variances into the record; cornice is incorrect at front portico...the portico does not project far enough; issue with horizontal lite division...OK on casement windows, but not on a single one; scale is an issue...these windows are too tall; no response to proportion here; not sized/scaled to any one facade...ill-proportioned; windows should be operable; architecture needs re-study; and, it looks like there is a lot of hardscape.

**MOTION BY MR. KARAKUL THAT IMPLEMENTATION OF THE PROPOSED
VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE
SUBJECT PROPERTY.**

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MR. KARAKUL "TO ACCEPT WITH THE CHANGES OF THE SCALE
OF THE FRONT WINDOWS AS WE DESCRIBED, ALL THE WINDOWS, IN TERMS
OF MAKING THEM A DOUBLE WIDTH AND THEN WITH THE MULLIONS, SO
THEY ARE TRUE CASEMENT WINDOWS."**

MOTION REVISED BY MR. KARAKUL TO DEFER (THE ARCHITECTURE) TO JANUARY.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

Mr. Fleck continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Two Ficus trees will be transplanted to new locations flanking the front driveways; remove remaining unacceptable landscaping; streetscape with 2 specimen Sylvester Date Palms, 2 Ylang Ylang trees and 2 relocated Ficus trees; lawn area between the two driveways; east and west front side yards: 10-12 ft. Clusia hedge; flanking front door: (2) 15-18 ft. Sylvester Palms; central rear proposed pool flanked on each corner with (4) 16 ft. Sylvester Date Palms; other landscape material as presented; adequate screening all around; driveways-cast stone with border; cast stone pavers at front door; and, travertine paving at pool.

Commission Comments: Plant list is barely legible; too much mulch; a lot of hardscape and a minimal amount of grass; put a lawn around the pool; nice that you are renovating the existing one-story house, and not doing a two-story house in this neighborhood; and, too much hardscape.

MOTION BY MR. KARAKUL TO DEFER THE LANDSCAPE (TO JANUARY).

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

[B - 133 - 2014 New Residence](#)

Address: 249 Orange Grove Road

Applicant: Ocean Way Properties, LLC

Architect: Design Phase Architecture, LLC

Project Description: Construction of a new single family residence with associated landscape and hardscape approval requested. Two-story home; Building and Trim Color-White; Shutter Color-Silver/Gray; Roof-White Concrete Tile

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Laura Wright, Design Phase Architecture

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Ms. Wright presented the project in accordance with the submitted plans and as described above. She explained that the Town Council heard this project yesterday for site plan review. Despite the narrow width of the lot, the garage does not face the street. Design details include: Two-story home; long driveway on west side of property with landscaped section mid-way back; 6 over 6 windows with shutters; and, low garden wall with pedestrian gate in front. Roof and color samples were shown.

Mr. Meroney continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Entire front yard is garden area; preserve existing large Ficus on corner of property; Japanese Tree Ferns; Clusia hedge behind wall in front; Podocarpus hedge to be retained; tropical palm grove as one enters the driveway; random tropical plants in rear at property line; re-use of landscape material collected at demolition; and decorative fountain, runnel and pool.

Commission Comments: Thank you for a modest project...lovely; has an exaggerated verticality though; all proportions would be better if the second floor comes down a bit; windows getting crowded...there may be too many windows; bump out does not relate to anything in the living room...not resolved; size of house is good, but east facade is over-windowed; charming; east elevation looks crowded; on west side, perhaps drop the bump out and the roof over the two little windows; terrific house; thank you for putting the garage in the back; landscape is wonderful; and, applaud you bringing all the plants back to the site, but don't forget to put one or two back at the garage.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

The applicant was advised to see staff for approval of any of the commission-recommended tweaks.

B - 134 - 2014 Signage

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 350 Royal Palm Way

Applicant: Jones, Foster, Johnson & Stubbs, P.A.

Contractor: Ferrin Signs

Project Description: Allow a 5.7 square foot sign "JONES FOSTER" on the street frontage of the building. The lettering will be flat cut out aluminum plate letters, prime coated and painted in dark bronze.

Call for disclosure of ex parte communication: Disclosure by Mr. Small

PRESENTATION BY: Attorney Maura Ziska

Ms. Ziska explained the need for a technical variance related to this sign, as described above.

MOTION BY MR. GARRISON THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY. (*Let the record show that Mr. Vila was out of the Chambers at this time, so Mr. Small voted.*)

MOTION BY MR. GARRISON FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

C. **MINOR PROJECTS - OLD BUSINESS: (12:43:20 a.m.)**

A - 042 - 2014 Exterior Lighting

Address: 241 Royal Palm Way

Applicant: Frederick J. Keitel III, FJK Tee Jay Ltd.

Architect: Glidden Spina & Partners

Project Description: Add lighting to exterior sign reading "First Republic Bank Building" - existing sign

At the August meeting, a motion carried to defer (to September) advising the applicant to (1) come with information regarding any other lit signs, and (2) to re-select another light. Please be advised that the architect has changed for this project. At the September meeting, a motion carried for deferral to the October meeting at the request of the architect. At the October meeting, the project was not heard, and was deferred to the December meeting at the request of the architect. *Please be advised that the architect has requested that this project be withdrawn.*

**MOTION BY MRS. VANNECK TO WITHDRAW THE PROJECT.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

[A - 049 - 2014 Alterations](#)

Address: 257 Atlantic Avenue

Applicant: Luciano Tauro and Michele Mele

Architect: Ralph Cantin AIA

Project Description: Removal of front terra cotta screen walls, trellis and faux outriggers; new impact windows; incidental hardscape and landscape

At the October meeting, after hearing the project, a motion carried to approve the renovations with a deferral to November for the landscape. At the November meeting, the project was not heard, but was deferred to the December meeting at the request of the architect.

Call for disclosure of ex parte communication: Disclosure by Mr. Small

ARCHITECTURAL PRESENTATION BY: Ralph Cantin

Mr. Cantin presented revised plans showing the elimination of the chimney; the removal of the terra cotta wall and replacement of that wall with a 4 ft. Ficus hedge. He offered a choice of roof tiles: barrel tile vs. terra cotta flat tiles.

(Let the record show that Mr. Sammons was out of the Chambers.)

MOTION BY MR. SMALL FOR APPROVAL AS PRESENTED WITH THE TERRA COTTA FLAT TILE ROOF.

Mrs. Vanneck requested a Podocarpus hedge instead of Ficus.

MOTION AMENDED BY MR. SMALL TO INCLUDE THE PODOCARPUS HEDGE.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

D. [MINOR PROJECTS-NEW BUSINESS: \(12:47:40 a.m.\)](#)

[A - 055 - 2014 Landscape/Hardscape](#)

Address: 127 Reef Road

Applicant: Casa De Playa, LLC

Architect: Mario Nievera/Keith Williams

Project Description: Proposed landscape and hardscape changes

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams presented the changes to the previously approved landscape/hardscape to include: Removed stepping stones around pool; small sculpture in northwest corner of property; reconfigured driveway; stone terrace changed to wood plank terrace; added 6 ft. high site wall to enclose shower area off master bedroom/bath; change Clusia trees planned on east, west and north perimeter to Coconut Palms with various underplantings; change shrubs in front; added Coconut Palms to front; and, added additional Seagrape in front.

Commission Comments: Issue with amount of mulch shown

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, WITH THE CAVEAT THAT THE MULCHED AREAS BE CHANGED TO SOD OR GROUND COVER.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

[A - 056 - 2014 Signage](#)

Address: 313B Worth Avenue

Applicant: Blesk Jewelers

Engineer: John Holt

Contractor: Fast Signs, Ken Baxter

Project Description: Business sign for Blesk Jewelry in breezeway. Hanging dimensional sandblasted sign for name of business.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: Ken Baxter, Fast Signs

Mr. Baxter presented this sandblasted hanging sign in accordance with the submitted plans and as described above. Design details include: 24" x 24" sandblasted high density urethane sign; and, hanging from black wrought iron frame.

Commission Comments: No other hanging signs in the via; do not want to see hanging sign in via; there should be space for the business name on the existing plaque; architecturally not pleasing.

Mr. Lindgren stated that hanging or cantilevered signs were not permitted until just a few years ago, but approval from ARCOM or the LPC is required in each case that such a sign is requested.

MOTION BY MRS. VANNECK TO DENY THE HANGING SIGN.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED 6-1, WITH MR. SAMMONS OPPOSED.

IX. **COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE):** None

X. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (12:58:54 a.m.)**

There was discussion relative to the color of the building on the corner of Worth Avenue and County Road. Staff will check with the architect relative to the color.

Members asked what was happening with The Palm House at 160 Royal Palm Way. Mr. Page responded that the project is in front of Code Enforcement currently for several issues, but there are legal issues related to this property as well.

XI. **ADJOURNMENT: (01:20:57 a.m.)**

MOTION BY MR. SAMMONS TO ADJOURN THE MEETING AT 1:20 P.M.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, January 28, 2015 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road, Palm Beach.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 2-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving and Adopting the 2015 Revised Palm Beach County Local Mitigation Strategy Plan (LMS) and Provide an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum dated January 2, 2015, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 2-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Adoption of Revised 2015 Palm Beach County Local Mitigation Strategy Plan
Resolution No. 2-2015

Date: January 2, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 2-2015, approving and adopting the revised 2015 Palm Beach County Local Mitigation Strategy Plan (LMS).

GENERAL INFORMATION

The approval and adoption of Resolution No. 2-2015 is required by the Federal Emergency Management Agency (FEMA) for the Town to be in compliance with federal guidelines introduced in response to the Disaster Mitigation Act of 2000. As described in the LMS Plan, adoption of the plan is required in order for Palm Beach County and participating municipalities, including the Town of Palm Beach, to be eligible to apply for and receive pre-disaster and post-disaster federal funding for mitigation purposes. The major change to the plan, which is on file in the Town Manager's Office, is its reduction of approximately 200 pages by condensing sections. There was no substantive change to the core content from the current plan, with the exception of the addition of section 2.2.1.8, regarding coastal & beach erosion/sea level rise.

The Palm Beach County Board of Commissioners approved and adopted the revised LMS on December 16, 2014, and all participating municipalities are required to do the same by January 29, 2015, to achieve compliance.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

cc: Department Directors
Karen Temme, Risk Manager

RESOLUTION NO. 2-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND ADOPTING THE 2015 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN (LMS) AND PROVIDE AN EFFECTIVE DATE.

* * * * *

WHEREAS, Palm Beach County is susceptible to a variety of natural, technological, and human-caused disasters, including but not limited to, severe weather, hazardous materials incidents, nuclear power plant emergencies, communicable diseases, and domestic security incidents as well as climate change impacts and sea level rise that causes increased inundation, shoreline erosion, flooding from severe weather events, accelerated saltwater contamination of ground water and surface water supplies, and expedited loss of critical habitats, and

WHEREAS, the Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local, and tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster, and

WHEREAS, the Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future Federal mitigation assistance funding as well as reimbursement for Presidentially Declared Disasters, requires such governments to have Federal Emergency Management Agency approved hazard mitigation plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans; and

WHEREAS, Palm Beach County's Local Mitigation Strategy, in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of disasters, and with input from the private sector and other members of the public, developed and revised the Palm Beach County Local Mitigation Strategy; and

WHEREAS, the 2015 revised Local Mitigation Strategy has been approved by the Florida Division of Emergency Management and the Federal Emergency Management Agency subject to adoption by the County Board of County Commissioners; and

WHEREAS, the LMS Steering Committee recommends the formal adoption of the 2015 Revised Local Mitigation Strategy, including planned future enhancements described therein, by the County and all 38 participating municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town of Palm Beach hereby approves and adopts the 2015 Revised Local Mitigation Strategy Plan (on file in the Town Manager's Office) in its entirety, as revised by the LMS Steering Committee and approved by the Palm Beach County Board of County Commissioners, the Florida Division of Emergency Management and the Federal Emergency Management Agency.

Section 3. The Town of Palm Beach authorizes the appropriate Town of Palm Beach Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives described in the Local Mitigation Strategy, and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies set out by the Local Mitigation Strategy.

Section 4. The Town of Palm Beach will continue to support and participate in the Local Mitigation Strategy planning and implementation process as required by Federal Emergency Management Agency, the Florida Division of Emergency Management, and the Palm Beach County Local Mitigation Strategy Steering Committee.

Section 5. The Town of Palm Beach will consider incorporating climate change concerns, sea level rise and natural hazards into the local comprehensive plan and into future reviews of flood prevention regulations and zoning codes.

Section 6. The Town of Palm Beach directs the Town Clerk to transmit an original of the executed Resolution to the Palm Beach County Division of Emergency Management, attention Local Mitigation Strategy Coordinator (561-712-6481), for filing in the Office of the Clerk & Comptroller.

Section 7. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of January 2015.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Town Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 3-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of \$41,375 to Burkhardt Construction, Inc., for Pre-Construction Phase Services, for the D-4 and D-10 Pump Station Improvements Project, and Establishing a Pre-Construction Phase Budget of \$45,500.

Presenter

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

Supporting Documents

- [Memorandum dated January 5, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 3-2015](#)
- [Burkhardt Proposal](#)
- [Rankings](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratification of Selection Committee Recommendation for Construction Manager at Risk for the D-4 and D-10 Pump Station Improvements Project and Award a Pre-Construction Phase Contract Accelerated Capital Improvement Program – Phase 2
Resolution No. 3-2015

Date: January 5, 2015

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the recommendation of the selection committee and approve Resolution No. 3-2015, authorizing the Town Manager to develop and execute a Pre-Construction Phase Services Contract with Burkhardt Construction, Inc., for the D-4 and D-10 Pump Station Improvements Project, in the amount not-to-exceed \$41,375 and establish a pre-construction phase services budget of \$45,500.

GENERAL INFORMATION

At the November 13, 2014, Town Council meeting, the Town Council approved a Request for Qualifications for a Construction Manager at Risk (CMAR) for the D-4 and D-10 Pump Station Improvements which are located at 445 N. Lake Way and 1060 N. Lake Way North, respectively. Due to the age and condition of the pump stations, it is necessary to perform improvements to meet the station demands.

The Consultants Competitive Negotiation Act (CCNA) process, in accordance with Florida Statutes, Chapter 287.055 includes establishing a review team that evaluates the qualifications submitted by the firms that express an interest in the project. Letters of Interest and Statements of Qualifications were received from three (3) construction management firms. The selection committee met on December 15, 2014, to review the submittals. The selection committee consisted of Michael J. Pucillo, Council Member and Public Works Committee Chair; Cheryl Somers, Assistant Finance Director; John Page, Director of Planning, Zoning and Building; Charles R. Langley, P.E., Senior Project Engineer; Jeffrey M. Sanon, P.E., Project Engineer; and William K. Francis, P.E., Town Engineer (non-voting). In addition, purchasing staff oversaw and assisted with the selection committee's review process.

The selection committee determined that a presentation would be necessary to better assess the contractor's qualifications and asked the three (3) firms to return and make oral presentations on December 22, 2014, to determine final rankings.

The selection committee's opinion was that the qualifications of Burkhardt Construction, Inc., best met the Town's requirements for this scope of work. The CMAR's pre-construction phase services will

comprise of establishing a detailed construction schedule, coordination with the design engineer and staff, plan and constructability review, value engineering, and developing a Guaranteed Maximum Price (GMP) for the project.

FUNDING/FISCAL IMPACT

Funding for the project is fully contained within the Accelerated Capital Improvement Program budget, Phase 2.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. The Town Attorney will review the Pre-Construction Services Agreement for legal form and sufficiency prior to execution by the Town Manager.

Attachments

cc: Michael J. Pucillo, Town Council Member, Public Works Committee Chair
Jane Struder, Director of Finance
John Page, Director of Planning, Zoning, and Building
William K. Francis, P.E., Town Engineer
Cheryl Somers, Assistant Director of Finance
Charles R. Langley, P.E., Senior Project Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 3-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN AN AMOUNT OF \$41,375, TO BURKHARDT CONSTRUCTION, INC., FOR PRE-CONSTRUCTION PHASE SERVICES, FOR THE D-4 AND D-10 PUMP STATION IMPROVEMENTS PROJECT, AND ESTABLISHING A PRE-CONSTRUCTION PHASE BUDGET OF \$45,500.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an amount of \$41,375 to Burkhardt Construction, Inc., for pre-construction phase services for the D-4 and D-10 Pump Station Improvements Project, and establishes a pre-construction phase services budget of \$45,500.

Section 2. The Town Manager is hereby authorized and directed to execute this contract on behalf of the Town of Palm Beach for this improvement.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 13th day of January 2015.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

Vincent G. Burkhardt
President



December 23, 2014; rev. 1/5/15

Town of Palm Beach
Public Works/Engineering Department
Attn: Mr. Jeffrey Sanon, P.E.
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

RE: **RFQ #2015-11**
D-4 and D-10 Pump Station Improvements
Construction Manager at Risk Pre-construction Services

Dear Mr. Sanon:

Burkhardt Construction, Inc. (BCI), acting as Construction Manager At Risk (CMAR) is pleased to provide this proposal to the Town of Palm Beach (Owner) for Pre-construction Services for the D-4 and D-10 Pump Station Improvements, Town of Palm Beach, as described in RFQ #2015-11. It is our understanding the scope consists of D-4 Pump Station improvements, D-10 Pump Station improvements, E-6 Lift Station improvements and Tangier Avenue street improvements. The D-4 Pump Station scope of work includes installing new pumps while keeping the existing pump(s) operational, aluminum grating, doors, frames, louvers, and hoist beam; constructing a new outfall, constructing an odor control system for the existing E-7 Lift Station, removal and replacement of all electrical equipment, demolition of the existing FPL vault equipment and installation of new FPL service, and landscaping. The D-10 scope of work includes installing new pumps while keeping the existing pump(s) operational, major demolition to the building and components, construction of temporary facilities and structures to keep the pump station operational during construction, installation of new generators, aluminum grating, doors, frames, louvers, and hoist beam, constructing a new outfall, installation of new FPL transformer with a directional bore, and landscaping. The E-6 Lift Station scope of work includes installation of 30" line stop, plug, valve and 30"x12" tee, and removal and construction of 12" PVC force main line. The Tangier Avenue scope of work includes installation of curbing, milling and resurfacing of the roadway, and coordination with E-6 improvements. As CMAR, BCI shall function as an agent of the Owner, shall be paid a fixed fee for services performed and shall be an integral part of the design team. Pre-construction services will include:

- Interface with the Owner and Design Team as required during the design phases of the project. Establish a project team that includes the Engineer and design sub-consultants and the Owner, including attending all design team meetings and review preliminary design drawings and specifications;
- Review and input of project cost and schedule;
- Review of proposed construction materials and systems;

- Project estimating and value engineering;
- Coordinating of bidding and contracting for trade subcontractors; and
- The development of a Guaranteed Maximum Price (GMP) for the construction of the facilities based on the design.

Pre-construction services shall be rendered and invoiced in the following format:

TASK I**PRE-CONSTRUCTION PROGRESS MEETINGS**

The scope includes the CMAR participating in team progress meetings attended by CMAR, Design Professionals, Owner and others as requested. It is anticipated that these meetings will be held at the Owner's office, Design team's office or location as designated by the Owner.

Due to the aggressive work schedule, pre-construction team meetings are to be held every week until completion of the plans/contract documents.

Estimated 3 meetings required.

The public meetings and presentations shall be as directed by the Owner and may be requested at 90% plan completion. The public outreach portion of this scope shall consist of the CMAR facilitating a meeting with the merchants and public to discuss the project. The presentation shall include introduction of the project team, who & how to contact team individuals, discussion of the project sequences, project phasing/ schedule, business/pedestrian/traveling public access during construction and additional details as requested by the Owner.

No meetings anticipated

TASK I – TOTAL LUMP SUM FEE \$ 1,725.00

TASK II**PRE-CONSTRUCTION SCHEDULING**

The scope includes initial data collection with design professionals providing necessary permits required and timelines for application & securing all permits

Based on the provided information, CMAR will develop a master Pre-Construction phase bar chart schedule incorporating design development, permitting, plan review, guaranteed maximum price preparation, submittal review & approval, long lead item identification & procurement, informational meetings with the adjacent property owners and coordination with Town's program manager and project ground breaking. The Pre-Construction schedule shall be presented to the Owner for review & comment and shall be updated monthly to track Pre-Construction progress.

TASK II – TOTAL LUMP SUM FEE \$3,100.00

TASK III**PLAN REVIEW/CONSTRUCTABILITY REVIEW**

This scope includes review of the plans as provided by the Design Team. The review shall report to the Owner any design criteria which may present considerable constructability challenges. This scope also will assist the Design Team in any plan modifications and re-design.

This scope does not include a complete cost estimate.

TASK III – TOTAL LUMP SUM FEE \$4,450.00

TASK IV**GUARANTEED MAXIMUM PRICE (GMP) - 90% Plans**

BCI will prepare and submit a GMP proposal to the Owner after completion of the pre-construction services phase of the project. The GMP proposal will be prepared in accordance with the guidelines and delivered in the format specified by the Owner. The Owner, at its sole option and discretion, may specify different requirements for the GMP proposal. The GMP will be valid for 90 days after submission. BCI will submit the GMP proposal in a bound format which will include, but not be limited to the following:

- Cover sheet including project title and Owner project number;
- Summary sheet of GMP Proposal including subcontractor bids, allowances, contingencies, bonds, insurance, conditions and exclusions. This sheet will also contain contract time, construction start date, date of substantial completion, date of final completion, bar chart schedule and proposed work hours.
- Schedule of values
- Detailed summary of general conditions
- Allowance list statement amounts and uses
- Proposed subcontractor list
- Subcontractor bid sheets
- Plans, drawings and specifications specific to the GMP
- Any supporting documents referenced in the GMP

At such time as the GMP preparation process results in a mutually agreeable GMP value, the Owner will document its acceptance thereof in writing and both parties shall execute a contract amendment for the project that incorporates the GMP and its supporting documents into the contract. CMAR's scope of basic and additional services shall be detailed and subject to a final determination of the project scope and size and careful negotiation and coordination between BCI and the Owner.

TASK IV – TOTAL LUMP SUM FEE \$32,100.00

TOTAL PRECONSTRUCTION SERVICES FEE ALL TASKS I THROUGH IV:

\$ 41,375.00

ALTERNATE TASK:

Should the Town desire additional services for investigation; this Alternate Task shall be billed at the attached hourly rates guaranteed not to exceed.

ALTERNATE TASK FEE NOT TO EXCEED \$20,000.00

All tasks and fees include supplies, presentation materials, equipment, personnel, travel and related costs associated with performing the services described.

Presentation and acceptance by the Owner of a mutually acceptable GMP shall conclude preconstruction services.

We have attached our current hourly rates for your use should additional pre-construction services be requested.

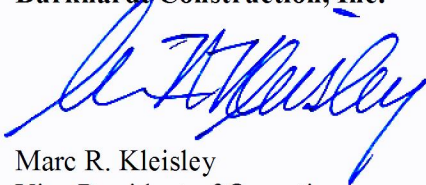
Thank you for the opportunity to submit this pre-construction services proposal for the D-4 and D-10 Pump Station Improvements, Construction Manager at Risk Pre-construction Services as described in RFQ #2015-11. If you have any questions on this proposal, please contact us at (561) 659-1400.

Town of Palm Beach
RFQ #2015-11
D-4 and D-10 Pump Station Improvements,
Construction Manager at Risk
Preconstruction Services
Scope & Fee Proposal
Submitted: December 23, 2014; rev. 1/5/15

Submitted By:

Construction Manager at Risk

Burkhardt Construction, Inc.



Marc R. Kleisley
Vice President of Operations

Accepted by:
Owner

Town of Palm Beach

By: _____
Printed Name

Title: _____

Date: _____

Upon your acceptance of this letter agreement Burkhardt Construction, Inc. shall begin work immediately. Please return one original for our files.

Hourly Rates For Additional Requested
Pre-Construction Services

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Vincent G. Burkhardt	President/Proj. Principal	\$300.00
Sharon H. Burkhardt	Secretary/C.P.A.	\$175.00
Dennis E. Haynes	Vice President/Proj. Principal	\$175.00
Marc R. Kleisley	V.P.Operations/Sr. P.M.	\$150.00
Anthony Sabatino	Senior Project Manager	\$150.00
Bill Zammit	Vertical Project Manager	\$120.00
Adam Rossmell	Project Manager	\$100.00
CJ Rhody	Project Manager	\$100.00
Brandon Rhodes	Project Manager	\$100.00
Christopher Quenneville	Const. Field Mgr./Estimator	\$100.00
Karl T. Kaminski	Const. Field Mgr./Estimator	\$100.00
Hemant Tank	Asst. PM/Estimator/Cost Engineer	\$75.00
	Merchant Outreach	\$75.00
Sarah B. Hoadley	Accounting Manager/M.B.A.	\$90.00
Katy Pantaleon	Accounting	\$75.00
Kristy Arnold	Admin. Ass't/Secretarial	\$50.00
Melissa McGraw	Marketing/Graphics	\$55.00

Hourly rates include all necessary supplies, transportation, communication, overhead and profit.



TOWN OF PALM BEACH

MEMORANDUM

DATE: December 23, 2014

TO: H. Paul Brazil, Director – Public Works

FROM: Adis Pedraza, Purchasing Manager 

SUBJECT: Final Ranking – RFQ No. 2015-11 – D-4 and D-10 Pump Station Improvements Construction Manager at Risk Services (CMAR)

The Town received proposals from three (3) contractors. All three companies were finalists, shortlisted by the Selection Committee. The Selection Committee met on December 22, 2014, for presentations and interviews with the shortlisted companies. All members of the committee listed below were present:

Michael J. Pucillo – Town Councilman; Public Works Committee Chair
John Page – Director of Planning, Zoning and Building
Jeffrey M. Sanon, P.E. – Project Engineer
Charles R. Langley, P.E. – Senior Project Engineer
Cheryl Somers – Assistant Director of Finance
William K. Francis, P.E. – Town Engineer (Non-Voting)
Adis Pedraza – Purchasing Manager (Non-Voting)
Ilyse Valdivia – Asst. Purchasing Manager (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the three (3) finalists' proposals, the Selection Committee arrived at a final ranking as follows:

1. Burkhardt Construction, Inc.
2. The Whiting-Turner Contracting Company
3. Wharton-Smith, Inc.

It is the recommendation of the Selection Committee that the RFQ be awarded to Burkhardt Construction, Inc.

Cc: File: RFP No. 2015-11
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Consent - Other

Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of December 4, 2014.

Presenter

Penelope D. Townsend, Chair

Supporting Documents

- [Report of the Ordinances, Rules, & Standards Committee Meeting of December 4, 2014](#)

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON THURSDAY, DECEMBER 4, 2014**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Thursday, December 4, 2014, at 2:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Pucillo, and seconded by Chairperson Townsend, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS

Jere Zenko, 232 Tangier Avenue, spoke regarding the need for greater scrutiny over people applying for Town positions and the applicant selection process.

Deputy Town Manager Bradford stated that the matter is scheduled to come before the Committee at their March meeting.

IV. REGULAR AGENDA

A. Old Business

1. Ordinance Amending Animal Permit Requirements to pertain to livestock and wildlife and for permits at Clubs
(Thomas G. Bradford, Deputy Town Manager)

Deputy Town Manager Bradford provided an overview of the proposed amendments.

Discussion ensued regarding the various classes of animals.

It was the consensus of the Committee to approve the proposed amendments.

- 1 2. Review of the Vehicles for Hire Ordinance to Protect the Health, Safety
2 and Welfare of the Public in Regard to Industry Changes.
3 *(John C. Randolph, Town Attorney)*

4
5 Deputy Town Manager Bradford provided an overview of the recent
6 issues that have arisen in this matter.

7
8 Discussion ensued regarding establishing requirements for charter vehicles
9 and enforcement options.

10
11 Jose, Palm Beach County Consumer Affairs Department Compliance
12 Officer, spoke regarding the issues they have had with Uber, the steps they
13 are taking to address them, what and who is required to get a County
14 permit, charter vehicle requirements, the number of County permits
15 issued, and transferring permits.

16
17 John Critchett, owner of Palm Beach Tours and Transportation, spoke
18 regarding differing standards in the transportation industry, problems with
19 Uber, and recommended recognizing the County's standards.

20
21 Dr. Klein, California, spoke regarding Uber's operations in Los Angeles,
22 and Uber being faster and more economical than regular taxis.

23
24 Discussion ensued regarding the need for driver background checks, not
25 having uninsured or unregulated cars in the Town, incorporating the
26 County's regulations, and how to spot Uber vehicles.

27
28 Code Enforcement Manager Houston spoke regarding recent code
29 enforcement cases the Town lost because the drivers said they were
30 chartered, how officers can tell which vehicles are Uber vehicles, recent
31 incidents with Uber vehicles, and County stings on Uber vehicles.

32
33 Discussion ensued regarding how long it would take to pass an ordinance
34 and if there was anything in the Code that could be used now to cite
35 uninsured, unlicensed, and uninspected vehicles.

36
37 Jose, Palm Beach County Consumer Affairs Department Compliance
38 Officer, stated that unless a jurisdiction has opted out of the County's
39 ordinance, law enforcement can cite vehicles under the County Code. He
40 then spoke regarding the County's enforcement procedures, the evidence
41 they provide to the Court in these cases, and in what cases the driver or the
42 company was cited.

43
44 Captain Taylor spoke regarding other interim options the police
45 department could employ, such as moving violations and parking
46 citations.

Jose, Palm Beach County Consumer Affairs Department Compliance Officer, spoke regarding the differences between taxis and chartered vehicles according to the County Code, the different badges or decals issued to them, and West Palm Beach's enforcement of vehicles for hire regulations.

It was the consensus of the Committee to direct Town Attorney Randolph to draft an amended ordinance to require vehicles for hire, including charters and vehicles contacted through mobile applications such as Uber, to meet the County's regulations or otherwise show proof that the driver has had a background check performed, the vehicle is insured, the vehicle has been inspected, and the driver has a chauffeur's license.

B. New Business

1. Review of Business Association Special Events for Possible Codification
(*Thomas G. Bradford, Deputy Town Manager*)

Deputy Town Manager stated that the Town Council adopted a Business Association Promotional Events Policy in June 2009. At the November 2014, Town Council meeting it was suggested that the Policy be codified and, if so, discussion should be had on what should be in the Policy.

Gregg Beletsky, Worth Avenue Association President, spoke in support of codifying the Policy, and stated that the Association would like to be a part of the process in determining the elements of the Policy.

Deputy Town Manager Bradford stated that they can hold Staff-level meetings to start the process.

Robin Miller, Worth Avenue Association General Manager, stated that the Association would love to be able to simplify the current process.

Patti Sans, Greater South County Road Association President, spoke regarding the current Policy and what else is necessary, as well as in support of codifying the Policy.

It was the consensus of the Committee to direct Staff to meet with the various Business Associations in Town to work towards formulating a Business Association Special Events Policy for Possible Codification.

2. Review of Private Provider Option
(*Veronica Close, Assistant Director of Planning, Zoning and Building*)

Assistant Director of Planning, Zoning, and Building Close provided an overview of her report.

Discussion ensued regarding issues with the Palm House, how those issues can be avoided in the future, inspections and audits, notices and scheduling of inspections, remedies for when a private provider or resident inspector approves something they should not have, having pre-construction meetings with these providers so that they know what is expected of them, and public safety and liability issues.

It was the consensus of the Committee to direct Staff to review the matter further and to report back to the Committee on what procedures should be implemented in order to better deal with this situation.

3. No Major Construction within 12 months of CO Issuance
(Veronica Close, Assistant Director of Planning, Zoning and Building)
(This is included in agenda item 5 below)

4. Review of Demolition Process for Landmarks
(Veronica Close, Assistant Director of Planning, Zoning and Building)

Committee Chair Townsend stated that this item has received input from the Landmarks Preservation Commission, the Planning, Zoning, and Building Department, and Eugene Pandula. She stated that she concurs with a lot of what Mr. Pandula suggested and that the only thing she would add is requiring an acknowledgement statement that, in the event that an unexpected circumstance arises that has the potential for collapse or even something less major, work needs to stop and the Town needs to be notified and a resolution needs to be figured out before proceeding.

Committee Member Pucillo concurred.

It was the consensus of the Committee to direct Staff to bring this back before the Committee after it is revisited by the Landmarks Preservation Commission.

5. Construction Activities Affecting Quality of Life in Palm Beach; Work Group Findings Report
(Thomas G. Bradford, Deputy Town Manager)

Deputy Town Manager Bradford provided an overview of the Report.

Jere Zenko, 232 Tangier Ave., spoke regarding her experiences with construction activities affecting her quality of life and in support of tightening the construction regulations. She also recommended conditioning the granting of setback variances upon meeting the noise ordinance requirements as measured on the C scale.

Assistant Director of Planning, Zoning, and Building Close provided additional information regarding the recommendations.

1 Dr. Jerome Klein, 225 Emerald Ln., provided additional information on
2 his recommendations and expressed his concerns regarding the
3 composition of the Work Group and the current rules not working or being
4 enforced. He spoke in support of the recommendations as a first step, but
5 felt that we need to go much further.

6
7 Discussion ensued regarding Dr. Klein's requests and the Work Group
8 recommendations.

9
10 Code Enforcement Manager Houston provided information on noise
11 violation enforcement options.

12
13 Chief Code Compliance Officer Walton provided additional information
14 on Code Enforcement activities.

15
16 **It was the consensus of the Committee to accept all of the Work Group's**
17 **recommendations, with the following exceptions:**

- 18 • **The recommendation for no changes to the enforcement of private deed**
19 **restrictions was amended to state that the Town add a disclaimer to the**
20 **notice to neighbors prior to construction and/or development review**
21 **events that indicates that the Town does not enforce private deed**
22 **restrictions.**
- 23 • **The recommendation to enforce the Code requiring swimming pool**
24 **heaters, pumps, and filters to be enclosed was amended to state that noise**
25 **regulations first be enforced via setback requirements found in Sec. 134-**
26 **1728 and Sec. 1729 and, if noise ordinance requirements are still not met,**
27 **then require enclosure per Sec. 42-202.**

- 28
29 6. Regulation of Jet Skis (clarity report) & Segways (in Ordinance form)
30 *(Anne-Marie Taylor, Captain, Police Department)(Raychel Houston,*
31 *Manager, Code Enforcement and Parking)*

32
33 Discussion ensued regarding the regulation of jet skis clarity report.

34
35 Code Enforcement Manager Houston provided additional information
36 regarding the recent issues regarding Segways and the proposed
37 amendments.

38
39 Laurel Baker, Palm Beach Chamber of Commerce, stated that Palm Beach
40 Segway Tours is a member of the Chamber and that it would be important
41 to have them here to listen to what's going on.

42
43 Code Enforcement Manager Houston stated that she did intend to contact
44 them if the Committee approves the proposed ordinances.

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING
HELD ON THURSDAY, DECEMBER 4, 2014**

Shawn, representing Palm Beach Segway Tours, spoke regarding the company's operations and stated that he was not aware of any complaints.

Jere Zenko, 232 Tangier Ave., expressed her concerns regarding people walking their dogs and Segway use in Town.

Code Enforcement Manager Houston stated that the city of Delray Beach requires a permit for and regulates Segways tours.

Discussion ensued regarding safety, regulations, and insurance coverage.

It was the consensus of the Committee to direct the Town Attorney to review the proposed ordinances and to bring them forward for a full Council discussion at the January 13, 2015, Town Council meeting.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Thursday, December 4, 2014, was adjourned at 4:40 p.m.

APPROVED:

Penelope D. Townsend
Chairperson

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Consent - Other

Agenda Title

Approval to Reschedule the November 11, 2015, Town Council Meeting.

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated December 22, 2014, from Thomas Bradford](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Reschedule the November 11, 2015, Town Council Meeting

Date: December 22, 2014

STAFF RECOMMENDATION

Staff recommends that the Wednesday, November 11, 2015, Town Council meeting regarding development review items be rescheduled to be held on Thursday, November 12, 2015. Staff recommends no change to the Tuesday, November 10, 2015, Town Council meeting.

GENERAL INFORMATION

The November Town Council meeting regarding development review items falls on Veterans' Day this year. As that is a recognized Town holiday on which Town Hall is closed, staff recommends that the Wednesday, November 11, 2015, Town Council meeting be reschedule to be held on Thursday, November 12, 2015.

TGB:cek

cc: Jay Boodheshwar, Deputy Town Manager
Department Directors
Susan Owens, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Consent - Other

Agenda Title

Ratification of Selection Committee Recommendation for Program
Management Services of the Accelerated Capital Improvement Program –
Phase 2.

Presenter

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

Supporting Documents

- [Memorandum dated Decemeber 22, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratification of Selection Committee Recommendation for Program Management Services of the Accelerated Capital Improvement Program – Phase 2

Date: December 22, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council ratify the recommendation of the selection committee to select CES Consultants, Inc., for Program Management Services of the Accelerated Capital Improvement Program – Phase 2.

GENERAL INFORMATION

The Accelerated Capital Improvement Program (ACIP) is currently transitioning from Phase 1 to Phase 2. A consultant was utilized to provide program management services for ACIP 1 and that contract was extended by Town Council to assist in the transition from ACIP 1 to ACIP 2. The current contract is scheduled to expire in February 2015. Staff recommended that this contract be allowed to lapse and another consultant be selected to provide these services for ACIP 2.

The Consultants Competitive Negotiation Act (CCNA) process, in accordance with Florida Statutes, Chapter 287.055 includes establishing a review team that evaluates the qualifications submitted by the firms that express an interest in the project. The Town Council approved the selection committee at the November 2014 Town Council meeting. Letters of Interest and Statements of Qualifications were received from four (4) consultants. The selection committee met on April 22, 2014, to review the submittal. The selection committee consisted of Michael J. Pucillo, Council Member and Public Works Committee Chair; Thomas G. Bradford, Deputy Town Manager, Jane Struder, Finance Director; John Page, Director of Planning, Zoning and Building; William Francis, P.E., Town Engineer, Eric Brown, P.E., Assistant Director of Public Works, and H. Paul Brazil, P.E., Director of Public Works (non-voting). In addition, Purchasing staff oversaw and assisted with the selection committee's review process.

The Selection Committee's opinion was that the qualifications of CES Consultants, Inc. met the Town's requirements for this scope of work. If Town Council ratifies this recommendation, staff will negotiate a contract for these services and return to Town Council for approval.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with the ratification of the recommendation.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

Attachments

cc: Selection Committee
 Adis Pedraza, Purchasing Manager

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Consent - Other

Agenda Title

Ratification of Selection Committee Recommendations for Qualified Roofing Contractors - RFQ No. 2015-05.

Presenter

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

Supporting Documents

- [Memorandum dated December 15, 2014, from H. Paul Brazil, P;E., Director of Public Works](#)
- [Memorandum dated December 10, 2014, from Adis Pedraza, Purchasing Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratification of Selection Committee Recommendations for Qualified Roofing Contractors - RFQ No. 2015-05

Date: December 15, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the ranking of the selection committee for qualified roofing contractors for roof replacement and repairs on Town owned buildings.

GENERAL INFORMATION

Town staff issued an RFQ (#2015-05) requesting qualifications for roofing services. A selection committee was formed to review the responses and rank the applicants. The selection committee consisted of Rod Gardiner, Assistant Director of Recreation; Amy Wood, Accounting Supervisor; Eric Brown, P.E., Assistant Director of Public Works; Charles Langley, P.E., Senior Project Engineer; Edward Fiondella, Recreation Supervisor (non-voting); Brett Madison, Facility Maintenance Manager (non-voting); Adis Pedraza, Purchasing Manager (non-voting); Ilyse Valdivia, Assistant Purchasing Manager; and John Cmar, Purchasing Coordinator (non-voting).

Staff received responses from seven roofing contractors and one general contractor. All firms were asked to provide documentation to show their financial and practical ability to perform repairs and maintenance on roofing systems typical on Town owned buildings. After a thorough review by the committee the firms were ranked as follows:

- Advanced Roofing, Inc
- Campany Roof Maintenance, LLC
- Certified Roofing Specialist, Inc
- Hi-Tech Roofing & Sheet Metal
- Triple M Roofing Corp

The selection committee recommends that those vendors be used as a qualified vendor pool to bid repairs and replacement of Town roofing systems on an as-needed basis.

FUNDING/FISCAL IMPACT

Each individual repair and replacement will be funded in the fiscal year in which the project occurs. Funding for minor repairs will typically be provided from the operating budget, and major repairs or replacement will be requested via the Pay-As-You-Go Capital budget as appropriate.

PURCHASING REVIEW

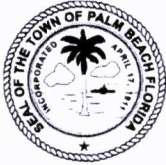
This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

Individual contracts will be submitted for review and approval by the Town Attorney for legal form and sufficiency, prior to any purchase orders being issued.

Attachments

cc: Thomas G. Bradford, Town Manager
Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Adis Pedraza, Purchasing Manager
Brett Madison, Facilities Division Manager



TOWN OF PALM BEACH

MEMORANDUM

DATE: December 10, 2014

TO: H. Paul Brazil, Director
Public Works Department

FROM: Adis Pedraza
Purchasing Manager *AP*

SUBJECT: Final Ranking - RFQ No. 2015-05 – Request for Qualifications for
Roofing Services

The Selection Committee met on December 10, 2014. All members of the committee listed below were present:

Eric Brown, P.E. – Assistant Director of Public Works
Charles Langley, P.E. – Senior Project Engineer
Rod Gardiner – Assistant Director of Recreation
Amy Wood – Accounting Supervisor
Brett Madison – Facilities Maintenance Manager (Non-Voting)
Ed Fiondella – Recreation Supervisor (Non-Voting)
Adis Pedraza – Purchasing Manager (Non-Voting)
Ilyse Valdivia – Asst. Purchasing Manager (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the eight (8) proposals submitted, the Selection Committee pre-qualified the following firms:

Advanced Roofing, Inc.
Campany Roof Maintenance LLC
Certified Roofing Specialists, Inc
Hi-Tech Roofing & Sheet Metal
Triple M Roofing Corp

Please coordinate insurance submittals and other necessary documentation with the firms and the Town Attorney after preparation of a Council Agenda Item and approval by Town Council.

Cc: File: RFQ No. 2015-05
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Board/Commission Annual Report

Agenda Title

Recreation Advisory Commission Annual Presentation.

Presenter

Pamela McIver, Recreation Advisory Commission Chairperson

Supporting Documents

- [Memorandum dated January 2, 2015, from Pamela McIver, Recreation Advisory Commission Chairperson](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Pamela McIver, Recreation Advisory Commission Chairperson

Re: Recreation Advisory Commission Annual Presentation

Date: January 2, 2015

GENERAL INFORMATION

The contents of the annual Recreation Advisory Commission (RAC) report include:

1. Current commission membership and meeting information.
2. Par 3 Clubhouse opening.
3. Participation increase at the tennis centers.
4. FY2015 budget development.
5. Community Interest Survey.
6. Town Docks security measures.
7. Long-term master planning for Town Docks rebuild and Recreation Center update.
8. New software registration system.
9. Program promotions/advertising.

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 five regular meetings this past year. The current Commission membership is as follows:

Commissioner	Position	Term Expires
Pamela McIver	Chairperson	4/17
Daniel McDonnell	Vice-Chairperson	4/15
Khooshe Aiken	Regular Member	4/17
Stephen D. Hall	Regular Member	4/16
Roberta Mambrino	Regular Member	4/17
Timothy O'Hara	Regular Member	4/15
Dr. G. Ellen Howe	Alternate Member	4/16
Matthew Smith	Alternate Member	4/15
Alexandra Woodfield	Alternate Member	4/16

Mr. Donald Singer resigned from the RAC in December 2014 to accept a position with the Town's Public Employee Relations Commission. He had been a member of the RAC since June 2009. The commissioner vacancy has been advertised, and an appointment is expected at the February 10, 2015, Town Council Meeting.

Par 3 Clubhouse Opening

The dedication and ribbon cutting ceremony for the new clubhouse took place on January 17, 2014. There was an immediate increase in foot traffic at the Par 3. Along with the increased rounds of golf experienced (more than 34,700 in FY2014, a 14% increase from FY2013), pro-shop sales have increased more than 100% from last year's numbers. The restaurant, Al Fresco, has also reported higher than expected business. Promotional efforts have worked well, and the branding of the Par 3 as a unique golfing experience has proven to be highly successful.

Participation Increase at the Tennis Centers

Two tennis player forums were held in February and March of 2013, at the Phipps Tennis Center to respond to some negative player feedback, and to reverse some decline in play. Players were invited to share any concerns and recommend changes, resulting in a number of immediate improvements, undertaken by the staff. FY2014 was the first full year of implemented enhancements, which produced an increase of 2.10% in participation. Some of this feedback was also applied to the Seaview Park Tennis Center, resulting in a 6.33% increase at that facility. Together, these RAC-related initiatives resulted in a 4.91% overall increase in participation at the two centers combined, as well as a general improvement in positive feelings among the players.

FY2015 Budget Development

The RAC reviewed the proposed Recreation Department fee schedule and revenue projections for the Town Docks, Par 3 Golf Course, Recreation Center, and Tennis Centers; as well as the expenditure budgets for the department at the March 5 and May 7 meetings. The RAC recommended approval for the Town Docks, Recreation Center and Tennis Centers, as proposed. However, the RAC suggested staff further review the golf green fees, since the golf course has experienced a higher than expected increase in play since the opening of the new clubhouse, and requested staff look at further increasing the winter season green fees (mid-December to mid-April). Following a review of the fees, staff determined that as a result of the increased demand for tee times, minor increases to fees would be acceptable and should not affect play and the Par 3's place in the market. The final proposed winter season green fee was increased an additional \$2.00 per round from the FY2014 fee, which also increased the 12 Play Pass fee.

Community Interest Survey

In response to flat participation at the Recreation Center and tennis centers, an online survey was developed to solicit feedback from the public. The survey focused on current programs, quality of facilities, customer service and ideas for new programs. The survey had a variety of ways to give input, and was promoted through town-wide email news flashes, in the weekly eNews, on the Town's website, and the Recreation Department Facebook page. While the majority of the reviews and comments were quite positive, there were some areas of concern, including program variety and customer service. Results of the findings were presented at the September 3 RAC meeting, as well as the actions staff would take in the upcoming months to improve customer service and program quality/quantity at the Recreation Center and tennis centers. These changes, from improving staff training, and supervision, to adding new programs and/or instructors, have led not only to increased participation and revenue, but provided a more enjoyable experience for customers.

Town Docks Security

Following a theft at the Town Docks in September 2014, a full review of security measures was completed with the private overnight security provider and the Palm Beach Police Department. The suspects were quickly identified and arrested, and multiple security measures have been implemented, including the installation of new surveillance cameras which are integrated into the Police Department's Town-wide surveillance system, retraining of overnight security guards, the addition of "No Trespassing" signs, reprogramming of gate codes, and the implementation of new registration procedures to ensure better security at the gates, especially after hours.

Long-term master planning for Town Docks rebuild and Recreation Center update

At the November 5 meeting, the RAC entered into preliminary discussions regarding the long-term planning for the reconstruction of the Town Docks and a physical update of the Recreation Center. The Town Docks are scheduled to have a structural assessment completed in FY2017. It was recommended to the RAC that a master plan be done in conjunction with the assessment. The RAC concurred and recommended that planning of the project should be a community process consisting of staff, a consultant, area residents and customers at the docks in an effort to strike a balance between the current atmosphere of the facility, the needs of our customers and the needs of the surrounding residents. The RAC also discussed the aging Recreation Center, which opened 30 years ago, after a public/private fundraising effort. While there have been minor repairs over the years, an update will be necessary to bring the building up to date to meet the needs of today's – and tomorrow's -- community. The RAC also felt that a process which engaged the community should be employed, to ensure any potential changes would reflect the communities' needs.

Software Registration System

A new software registration system was implemented for the Recreation Center and Tennis Centers. The registration software includes an online registration option for many programs. The registration system includes the ability to run several different program reports and create a variety of databases for strategic marketing and reporting efforts, send notification emails to registered customers, and assist in simplifying the management of our overall customer database. The ability to register online was a welcome addition to customers and has been frequently used this past year.

Program Promotions/Advertising

Postcards announcing the Palm Beach Recreation Department's 2015 Winter/Spring program offerings were mailed to all Town residents and registered customers. The postcard represents a change from the traditional annual Recreation Catalog mailing. The use of postcards allows for a second advertising effort in the spring to announce the 2015 Summer/Fall program offerings.

Conclusion

The members of the RAC had a productive year and are looking forward to the year ahead. On behalf of the entire Commission, we want to thank new Deputy Town Manager, Jay Boodheshwar, for his many years of outstanding, dedicated service as the Town's Recreation Director. It has been a true pleasure to work with him in our advisory capacity. We look forward to the naming of the new Director and working with him in the future.

cc: Recreation Advisory Commission
Jay Boodheshwar, Deputy Town Manager
Rod Gardiner, Acting Director of Recreation
Tony Chateauvert, Golf Manager
Mike Horn, Dockmaster

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of January 8, 2015.

Presenter

Penelope D. Townsend, Chair

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Motion for Reconsideration (at the January 14 Town Council Meeting) of the Town Council's December 10 Decision to Not Require a Super Majority Vote for Approval of Zoning Variance Applications.

Presenter

Robert N. Wildrick, Town Council President

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Coastal Matters

- a. Coastal Update.
- b. Reach 8 Environmental Impact Statement.

Presenter

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

Supporting Documents

- [Information to be distributed under separate cover](#)

Item. XI. Regular Agenda

B. New Business

1. Coastal Matters

- a. Coastal Update.
- b. Reach 8 Environmental Impact Statement.

The backup information for Coastal Matters will be distributed under separate cover.

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Authorize the Town Manager to Execute a Restrictive Covenant with the Florida Department of Environmental Protection for the Pump Station A-39 Site Remediation Closure.

Presenter

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

Supporting Documents

- [Memorandum dated December 17, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Declaration of Restrictive Covenant](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorize the Town Manager to Execute a Restrictive Covenant with the Florida Department of Environmental Protection for the Pump Station A-39 Site Remediation Closure

Date: December 17, 2014

STAFF RECOMMENDATION

Staff requests that Town Council authorize the Town Manager to execute a Restrictive Covenant with the Florida Department of Environmental Protection (FDEP) for the Site Remediation Closure at the A-39 Sanitary Sewer Pump Station.

GENERAL INFORMATION

During the 2009 Townwide Fuel Tank Replacement Project, contaminated soils were found near the Town's A-39 Pump Station in Phipps Ocean Park. The contaminated soils consisted of petroleum-related compounds and non-petroleum compounds which included arsenic and chlorinated pesticides (Dieldrin). The FDEP was contacted and advised the Town to begin an immediate assessment of the site to determine contamination levels and limits, to be followed by a remediation effort. The study concluded that the contaminants included petroleum products as well as Dieldrin and Arsenic.

The Town hired Kimley-Horn and Associates, Inc. and HSA Engineers & Scientists, to conduct a study and to prepare plans and specifications to have the contaminated soils removed. In November 2011, Town Council awarded Hendry Corporation a contract to excavate and properly dispose of the contaminated soils and replace it with clean fill. Upon completion of the remediation project our consultant provided a Soil Assessment Report (SAR) consisting of the results and recommendations for soil replacement efforts. FDEP reviewed the SAR and agreed with the recommendation to proceed with groundwater monitoring.

In April 2013, Kimley-Horn & HSA concluded the first year of groundwater monitoring which included areas at the North end of Phipps Ocean Park and also the areas adjacent to pump station A-39. This monitoring was conducted to evaluate the natural attenuation of remnant groundwater impacts following the removal of contaminated soil. Eight (8) monitoring wells were established in April of 2012 and since that time four sampling events have occurred and the results were submitted to FDEP for review.

After the second sampling it was determined that the petroleum constituents were below the applicable Soil Cleanup Target Levels and Maximum Concentration Limits or Groundwater Cleanup Target Levels (GCTL); therefore, satisfying the site rehabilitation requirements for the petroleum portion of the remediation and releasing the Town of further obligation to conduct site rehabilitation. The non-petroleum assessment is ongoing and a Natural Attenuation Monitoring Report was submitted to the FDEP with recommendations on how to proceed now that the first year of groundwater monitoring is completed. The non-petroleum constituent concentrations are less than the concentrations detected prior to the source removal, but the levels in some of the wells exceed the GCTL.

At the September 10, 2013 Town Council Meeting, staff presented an update on the contamination remediation efforts at and adjacent to Pump Station A-39. Also presented were options on how to proceed with this project, and the option for “No Further Action with Institutional Control” was selected. This option allowed the Town to cease remediation activities due to the fact that the site shows signs of natural attenuation, as long as the Town places an institutional control on the property. Restrictive Covenants would have to be recorded on the property to serve as the institutional control for the site. The restriction will prohibit constructing shallow water source wells for drinking and irrigation within the restricted area, and would prohibit selling the property before contamination levels fall below GCTLs. The FDEP will allow the termination of the Restrictive Covenants once GCTLs are achieved. The Town’s engineering consultant, Kimley-Horn and Associates, Inc., along with legal assistance from Jones, Foster, Johnson, & Stubbs, P.A. prepared the supporting documentation for the conditional closure.

FUNDING/FISCAL IMPACT

Any funding associated with the closure of this project is contained within the Risk Fund Reserve for Catastrophic Exposures/Emergencies.

TOWN ATTORNEY REVIEW

This covenant has been prepared by attorneys at Jones, Foster, Johnston & Stubbs, P.A., and has been reviewed by the Town Attorney for legal form and sufficiency.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E. Town Engineer
Doug Terry, Water Resources Division Manager
Jeffrey M. Sanon, P.E., Project Engineer
Adis Pedraza, Purchasing Manager
Karen Temme, Risk Manager

This Instrument Prepared By:
Mark H. Dahlmeier, Esq.
Jones, Foster, Johnston & Stubbs, P.A.
P.O. Box 3475
West Palm Beach, FL 33402-3475

WILL CALL #85

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter "Declaration") is made this _____ day of _____, _____, by Town of Palm Beach, a municipal corporation existing under the laws of the State of Florida (hereinafter "GRANTOR"), and the Florida Department of Environmental Protection (hereinafter "FDEP").

RECITALS:

A. GRANTOR is the fee simple owner of that certain real property situated in the County of Palm Beach, State of Florida, more particularly described as follows (hereinafter the "Property"):

The South 100 feet of Lot 120, All of Lots 121 through 125, Inclusive, and the North 100 feet of Lot 126, PALM BEACH ESTATES, according to the Plat thereof as recorded in Plat Book 8, Page 3, Public Records of Palm Beach County, Florida.

B. The FDEP Facility Identification Number for the Property is No. COM_295152. The facility name at the time of this Declaration is A-39 Pump Station. This Declaration addresses the discharge that was reported to the FDEP on March 4, 2009.

C. The discharge of arsenic and dieldrin on the Property is documented in the following reports that are incorporated by reference:

The following reports prepared by Conestoga-Rovers & Associates (CRA) (formerly HSA Engineers & Scientists):

- Non-petroleum Site Assessment Report (SAR) - dated May 12, 2010;
- Non-petroleum SAR Addendum (SARA) – dated February 14, 2011;
- Non-petroleum SAR Addendum II (SARA II) - dated August 29, 2011;
- Natural Attenuation Monitoring (NAM) Plan - dated May 11, 2012;
- Year 1 - Quarter 1 NAM Report - dated September 11, 2012;

- Year 1 - Quarter 2 NAM Report - dated December 12, 2012;
- Year 1 - Quarter 3 NAM Report - dated February 22, 2013; and
- Year 1 - Quarter 4 NAM Report - dated June 2, 2014.

D. The reports noted in Recital C set forth the nature and extent of the contamination described in Recital C that is located on the Property. These reports confirm that contaminated groundwater as defined by Chapter 62-780, Florida Administrative Code (F.A.C.), exists on the Property. Also, these reports document that the groundwater contamination does not extend beyond the Property boundary and that the groundwater contamination is not migrating.

E. It is the intent that the restrictions in this Declaration reduce or eliminate the risk of exposure of users or occupants of the Property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

F. FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter "Order") upon recordation of this Declaration. FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations of arsenic or dieldrin increase above the levels approved in the Order, or if a subsequent discharge occurs at the Property, FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable FDEP rules. The Order relating to FDEP Facility No. COM_295152 can be found by contacting the FDEP Southeast District Office.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Property that an Order be obtained and that the Property be held subject to certain restrictions, which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce FDEP to issue the Order and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR hereby agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. GRANTOR hereby imposes the following restrictions and requirements:
 - a. i. Except to the extent permitted in accordance with the following sentence, there shall be no use of the groundwater under the Property. There shall be no drilling for water conducted on the Property, nor shall any wells be installed on the Property other than: (A) monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM) in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the Water Management District (WMD) or (B) Floridan Aquifer wells (as opposed to surficial aquifer wells, it being understood and agreed that surficial aquifer wells are not

permitted). Floridan Aquifer wells will be constructed so as to not impact the known groundwater contaminant plumes. The construction and design of any such Floridan Aquifer wells shall be subject to FDEP and WMD approval.

a.ii. For any dewatering activities on the Property, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment and disposal of any extracted groundwater that may be contaminated.

a.iii. Attached as Exhibit "A", and incorporated by reference herein, is an Existing Stormwater Facilities Plan identifying the size and location of existing stormwater swales, stormwater detention or retention facilities, and ditches on the Property. Such existing stormwater features shall not be altered, modified or expanded, and there shall be no construction of new stormwater swales, stormwater detention or retention facilities or ditches on the Property without prior written approval from FDEP's DWM in addition to any authorizations required by the DWRM and the WMD. A revised exhibit must be recorded when any stormwater feature is altered, modified, expanded, or constructed.

3. In the remaining paragraphs, all references to "GRANTOR" and "FDEP" shall also mean and refer to their respective successors and assigns.

4. For the purpose of monitoring the restrictions contained herein, FDEP is hereby granted a right of entry upon and access to the Property at reasonable times and with reasonable notice to GRANTOR.

5. It is the intention of GRANTOR that this Declaration shall touch and concern the Property, run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and FDEP, and to any and all parties hereafter having any right, title or interest in the Property or any part thereof. FDEP may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of FDEP to exercise its right in the event of the failure of GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of FDEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and FDEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by these restrictions. If GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally, GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring of ownership of the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

6. In order to ensure the perpetual nature of this Declaration, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Property, GRANTOR agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by FDEP Secretary (or designee) and is recorded in the public records of the county in which the Property is located. To receive prior approval from FDEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and FDEP rules must be achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both GRANTOR and FDEP and be recorded by GRANTOR as an amendment hereto.

8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of this Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property. GRANTOR also covenants and warrants that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, GRANTOR has executed this instrument, this _____ day of _____, _____.

GRANTOR:

TOWN OF PALM BEACH, a municipal corporation existing under the laws of the State of Florida

By: _____

Title: Town Manager

Full Mailing Address:
360 South County Road
Palm Beach, Florida 33480

Signed, sealed and delivered in the presence of:

Date: _____

Witness

Print Name: _____

Date: _____

Witness

Print Name: _____

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____, as Town Manager of TOWN OF PALM BEACH, a municipal corporation existing under the laws of the State of Florida, on behalf of the Town.

Personally Known _____ OR Produced Identification _____.
Type of Identification Produced _____.

Signature of Notary Public

Print Name of Notary Public

Commission No. _____

Commission Expires: _____

Approved as to form by the Florida Department of Environmental Protection, Office of General Counsel. _____.

IN WITNESS WHEREOF, the Florida Department of Environmental Protection has executed this instrument, this _____ day of _____, _____.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Name: Jill S. Creech, P.E.
Title: District Director
Southeast District
3301 Gun Club Road
MSC 7210-1
West Palm Beach, FL 33406

Signed, sealed and delivered in the presence of:

Witness: _____ Date: _____
Print Name: _____

Witness: _____ Date: _____
Print Name: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____ as representative for the Florida Department of Environmental Protection.
Personally Known _____ OR Produced Identification _____.
Type of Identification Produced _____.

Signature of Notary Public

Print Name of Notary Public

Commission No. _____

Commission Expires: _____

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TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 19-2014 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 Titled "Animals", at Article II, "Dogs and Cats", by Creating a New Section 10-46 Providing for the Prohibition of the Sale or Transfer of Dogs and/or Cats in Any Pet Store as Defined Herein and the Prohibition of Commercial Breeding of Dogs And/or Cats Within the Town; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Ordinance No. 19-2014](#)

ORDINANCE NO. 19-2014

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 TITLED "ANIMALS", AT ARTICLE II, "DOGS AND CATS", BY CREATING A NEW SECTION 10-46 PROVIDING FOR THE PROHIBITION OF THE SALE OR TRANSFER OF DOGS AND/OR CATS IN ANY PET STORE AS DEFINED HEREIN AND THE PROHIBITION OF COMMERCIAL BREEDING OF DOGS AND/OR CATS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, according to the Humane Society of the United States hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories" ("Facilities") that mass-produce animals for sale to the public; and

WHEREAS, because of the lack of proper animal husbandry practices at these Facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, and breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, many animals produced in these Facilities are purchased by retail pet stores for sale to the public; and

WHEREAS, while not all dogs and cats sold in retail pet stores are the product of inhuman breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories", the Town Council believes that

puppy mills and kitten factories continue to exist in part because of public demand fueled by the availability of dogs and cats in pet stores; and

WHEREAS, the Town Council believes that restricting the retail sale of dogs and cats in the Town will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the Town; and

WHEREAS, the Town Council believes that the restriction of the retail sale of dogs and cats in pet stores in the Town will reduce mistreatment of the animals in “puppy mills” and “kitten factories” by reducing demand for such animals and will encourage pet consumers to adopt dogs and cats from shelters benefitting these animals and reducing the cost to the public of sheltering them; and

WHEREAS, the Town Council of the Town of Palm Beach has determined that the following amendment promotes and protects the general health, safety and welfare of the residents of the Town of Palm Beach.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified as true and correct and are incorporated herein by reference.

Section 2. Chapter 10 of the Town Code of Ordinances titled Animals is hereby amended at Article II, Dogs and Cats, to include a new Section 10-46 to read as follows:

CHAPTER 10 ANIMALS

ARTICLE II. Dogs and Cats

"Sec. 10-46. Sale or transfer of dogs and/or cats and commercial breeding prohibited.

(a) For the purposes of this section, the following definitions shall apply:

Cat shall mean an animal of any age of the Felidae family of the order Carnivora.

Dog shall mean an animal of any age of the Canidae family of the order Carnivora.

Pet Store shall mean any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs and/or cats, regardless of the age of the dog or cat.

(b) Sale or Transfer of Dogs and/or cats prohibited. No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the Town of Palm Beach on or after the effective date of this Ordinance.

(c) The breeding of dogs or cats for commercial purposes with the intent to have such dogs or cats sold, traded, delivered or transferred to another is prohibited within the Town"

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 9th day of December 2014, and for second and final reading on this 13th day of January 2015.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 2-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Code of Ordinances at Chapter 10, Animals, Article I, in General, at Section 10-10, Temporary Permits, to Provide Additional Conditions, Restrictions and Requirements for Permit Issuance and Modifying the Locations Within Town Where Animal and Wildlife Temporary Permits May Be Issued; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated January 2, 2015, from Thomas G. Bradford, Town Manager](#)
- [Ordinance No. 2-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Ordinance Amending Animal Permit Requirements
Ordinance No. 2-2015

Date: January 2, 2015

STAFF RECOMMENDATION

Staff requests Town Council consider approval of Ordinance No. 2-2015 as recommended by ORS at its meeting on December 4, and the report for said meeting was approved by Town Council on December 9.

GENERAL INFORMATION

Staff considers this ordinance to be a housekeeping item as it cleans up Section 10-10 of the Town Code pertaining to animal permitting. Staff wanted to attempt to address a glitch in Chapter 10 of the Town Code with ORS pertaining to animal permitting to enable display of domesticated animals and livestock as it is somewhat common for an animal permit applicant to want to display domesticated animals and or livestock such as may be displayed at a children's petting zoo for birthday parties and the like. Staff also suggested that we cease issuing animal permits for potentially dangerous animals, Class I and others, in residentially zoned areas, with some exceptions. The exceptions were expanded to allow Class II animal displays by permit only in:

- i. Residentially zoned properties having a Club, Education, Institution, Museum or Public use thereon and that meet a 50 foot setback requirement from adjacent residential properties; and
- ii. PUD-A, B, or C zoning districts; and
- iii. Commercial zoning districts.

Class II animals cannot be displayed in a true residential area, only in residential districts listed in items i and ii above and where permitted animal handlers are present. **F.S. 379.3762 defines Class II wildlife as wildlife considered to present a real or potential threat to human safety.** In addition, staff suggested that ORS consider prohibitions on Class III wildlife, but permit them in any commercial or residential area without the 50 foot setback, but only with state permitted animal handlers.

Other changes of note are:

- i. Venomous snakes have also been prohibited in Town and cannot be displayed by permit.
- ii. Class I wildlife are not permitted townwide. **Class I wildlife are deemed by the State to pose a significant danger to people.**

TOWN ATTORNEY REVIEW

This ordinance was approved by the Town Attorney for legal form and sufficiency.

cc: John Page, Director, Planning, Building and Zoning
Paul Castro, Zoning Administrator
Susan Owens, Town Clerk
John C. Randolph, Town Attorney

ORDINANCE NO. 2-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH CODE OF ORDINANCES AT CHAPTER 10, ANIMALS, ARTICLE I, IN GENERAL, AT SECTION 10-10, TEMPORARY PERMITS, TO PROVIDE ADDITIONAL CONDITIONS, RESTRICTIONS AND REQUIREMENTS FOR PERMIT ISSUANCE AND MODIFYING THE LOCATIONS WITHIN TOWN WHERE ANIMAL AND WILDLIFE TEMPORARY PERMITS MAY BE ISSUED; 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 10, Animals; Article I, In General, to read as follows:

“Sec. 10-10. - Temporary permits.

- (a) Permits may be granted for the temporary possession of animals otherwise prohibited under this chapter in connection with either a special event, as said term is defined in this Code or in regard to a private event, subject to the following conditions:
 - (1) Application shall be filed with the town clerk at least 30 days prior to the event at which the temporary possession permit is requested. An application fee is hereby authorized and shall be paid upon filing of the application with the town clerk. The application fee shall be established by adoption of a resolution of the town council and may be amended by adoption of a resolution of the town council. The 30-day period may be waived by the town manager if it is determined by the town manager that good cause exists for waiving the period and further providing that all other requirements set forth in this section are met.
 - (2) A temporary possession permit shall be approved by the town manager if:
 - a. The application for a temporary possession permit pertains to wildlife as allowed herein, a state exhibition permit is required and ~~the~~ the applicant agrees to abide by the most recently adopted rules and regulations designated as the Wildlife Code of the state as promulgated by the fish and wildlife conservation commission or its successor organization as designated by the state.

- b. The permit is for a period of time no longer than 12 hours and the applicant has specified in their application specific times the animals will be present at the property in question and, if different, the specific times the animals will be on display.
- c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the property address where location-of the animals are intended to be displayed, the location on the property where the animals will be displayed and the location of the people that will be in attendance to view the animals to be displayed.
- d. If the animal or animals to be exhibited require a licensed or permitted handler as determined by the state or Town and Adequate proof is submitted that a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state will be responsible for the handling of any animal permitted. In addition, and that the handler must certify to the Town a sufficient number of licensed and permitted handlers will be present to handle the animal or animals for the duration of the special event. If the animal or animals to be exhibited do not require a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state the applicant shall indicate to the Town the name, address and telephone number of the proposed animal handler and the animal handler shall certify to the town that a sufficient number of handlers will be present to handle the animal or animals for the duration of the special event.
- e. ~~No animals permitted under this exception shall be permitted in residentially zoned areas of the town, other than class III wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state and those for which a permit is not required pursuant to rule 68A-6.0022, Florida Administrative Code, as amended. Class I, and class II wildlife, as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state and may be allowed on all town owned property and all commercial, R-D(1), R-D(2) and PUD-A zoning districts provided all permit requirements have been met and a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife, and the nearest adjacent residentially zoned areas of the town.~~
Class III wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, wildlife not requiring a permit pursuant to 68A-6.0022, Florida Administrative Code, as amended and domesticated animals or livestock as defined herein and appropriate for a petting zoo such as

ponies may be permitted in any residential zoning district, PUD A, B or C and in any commercial zoning district by the Town. In addition, Class II wildlife may also be permitted by the Town only in any residential zoning district having a Club, Education, Institution, Museum or Public use thereon, in a PUD-A zoning district and in any commercial zoning district if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife provided all permit requirements have been met and a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife, and the nearest adjacent residentially zoned area within the town.

Class III wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, wildlife not requiring a permit pursuant to 68A-6.0022 Florida Administrative Code as amended, and domesticated animals or livestock as defined herein or animals appropriate for a petting zoo such as ponies, may be permitted on any property:

- i. Having a Club, Education, Institution, Museum or Public use and located within any residential zoning district, or
- ii. Located within a PUD-A, B or C zoning district, or
- iii. Located within any residential zoning district, or
- iv. Located within any commercial zoning district.

- f. Class II wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, where all applicable state and town permit requirements have been met, and provided a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and all adjacent property residentially zoned, may be permitted on any property:

- i. Having a Club, Education, Institution, Museum or Public use and located within any residential zoning district, or
- ii. Located within a PUD-A, B or C zoning district, or
- iii. Located within any commercial zoning district.

- g. A certificate of insurance naming the town as insured shall be provided for an amount of insurance not less than \$5,000,000.00 to indemnify the town against any and all liability relating to the presence of the animals in the town. A certificate of insurance shall not be required for events described in subsection (a)(2)e pertaining to Class III wildlife, wildlife

not requiring a permit pursuant to 68A-6.0022, Florida Administrative Code, as amended and domesticated animals or livestock as defined herein and appropriate for a petting zoo such as ponies. relating to animals appropriate for a petting zoo such as ponies and trained monkeys.

- h. Notwithstanding the requirements set forth in subsections c. and d., a permit may be allowed for animal displays used in conjunction with an educational wildlife exhibition if a state permit is required and the proposed exhibition will be overseen by a person or organization in possession of the applicable state permit authorizing such person or organization to exhibit such wildlife programs on town property and on public or private school property within the town. A permit may also be allowed for domesticated animals or for livestock as defined herein for animal displays used in conjunction with educational programs on town property and on public or private school property within the town.
- i. The applicant agrees to all written conditions issued by the town in conjunction with and requisite to the permit.
- (b) If a permit is denied by the town manager, the applicant may appeal the decision to the town council, which shall give consideration to the appeal at the next regular meeting of the town council subsequent to the denial of the permit.
- (c) If a special event or a private event is scheduled or held involving the display or possession of animals prohibited by this section, absent a permit as required under this section, the event may be terminated or dispersed by action of the code enforcement officer, fire rescue officer or by the police department.
- (d) The following animals, wildlife, reptiles and other species are not allowed for display at any special event or private event and shall not be permitted for same by the Town:
 - f. Class I wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state.
 - g. Class II wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state unless the person or organization overseeing the proposed display or public exhibition possesses a state permit for public exhibition of the animals, wildlife, reptiles or other species and all applicable permits required by the Town have been issued, subject to conditions and restrictions stated herein.
 - h. Conditional nonnative wildlife
 - i. Prohibited nonnative wildlife
 - j. Imperiled species
 - k. Conditional reptiles, snakes and lizards
 - l. Native and non-native venomous reptiles”

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 13th day of January, 2015, and for second and final reading this _____ day of February, 2015.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 3-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinances Relating to Administration at Article V, Code Enforcement, Division 3, Section 2-439, Citation Fine Schedule, to Provide for Citations for Violations of Section 42-161, Operating Machinery Creating Nuisance; Construction, Section 42-164, Fugitive Dust, Section 118-242. 104.3, Construction Site Management and Section 130-107, Prearranged Charters of the Town Code of Ordinances; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated January 2, 2015, from Thomas G. Bradford, Town Manager](#)
- [Ordinance No. 3-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Ordinance Amending Section 2-439 for Citations for Violation of Sec. 42-161, Operating Machinery Creating Nuisance; Sec. 42-164, Fugitive Dust, Sec. 18-242.104.3, Construction Site Management to be Class III Violations with a \$250 First Offense Civil Penalty and a \$500 Civil Penalty for all Subsequent Civil Penalties.

Ordinance No. 3-2015

Date: January 2, 2015

STAFF RECOMMENDATION

Staff requests Town Council consider approval of Ordinance No. 3-2015 as recommended by ORS at its meeting on December 4 and the report for said meeting was approved by Town Council on December 9.

GENERAL INFORMATION

As a part of its Code review activities ORS considered a staff report that reviewed construction activities that can affect the quality of life in Palm Beach. In the staff report ORS reviewed the current and proposed class violations as indicated in the first table below.

Town Violation Classes and Civil Penalties

Violation Class	First Offense Civil Penalty	Second Offense Civil Penalty	Third Offense Civil Penalty	Fourth & Subsequent Offense Civil Penalty
Class I	\$75	\$125	\$250	\$500
Class II	\$125	\$250	\$400	\$500
Class III	\$250	\$500	\$500	\$500
Class IV (1)	\$500	\$500	\$500	\$500

(1) May only be imposed for a misdemeanor such as practicing general contracting without a license.

Next, ORS reviewed three violations that may be found at construction sites from time to time, these being operating machinery creating a nuisance, fugitive dust and poor construction site management. Each applicable code section was referenced along with current class violation and proposed class violation. For your information, a breakdown

of the current adopted violation classes and associated civil penalties for each are provided in the table below.

Current and Proposed Class Violations

Violation	Code Reference	Current Class Violation	Proposed Class Violation
Operating Machinery Creating Nuisance	Sec. 42-161	Class II	Class III
Fugitive Dust	Sec.42-164	Class II	Class III
Construction Site Management	Sec. 18-242.104.3	None (Building Official can only Shut Down the Job)	Class III (Building Official can Shut Down the Job and impose the fine)

ORS recommended that the violation civil penalties for each be increased to a Class III violation meaning, per the first table above a \$250 civil penalty for a first offense and a \$500 civil penalty for all subsequent violations. In addition, for poor construction site management the Building Official shall have the power as he does today to shut the job site down, but may also impose the civil penalty too if you adopt Ordinance No. 3-2015 as recommended.

TOWN ATTORNEY REVIEW

This ordinance was approved for legal form and sufficiency by the Town Attorney.

cc: John Page, Director, Planning, Building and Zoning
Veronica Close, Assistant Director, Planning, Zoning, and Building
Bill Bucklew, Building Official
John C. Randolph, Town Attorney

ORDINANCE NO. 3-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE TOWN CODE OF ORDINANCES RELATING TO ADMINISTRATION AT ARTICLE V, CODE ENFORCEMENT, DIVISION 3, SECTION 2-439, CITATION FINE SCHEDULE, TO PROVIDE FOR CITATIONS FOR VIOLATIONS OF SECTION 42-161, OPERATING MACHINERY CREATING NUISANCE; CONSTRUCTION, SECTION 42-164, FUGITIVE DUST, SECTION 118-242. 104.3, CONSTRUCTION SITE MANAGEMENT AND SECTION 130-107, PREARRANGED CHARTERS OF THE TOWN CODE OF ORDINANCES; 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. Chapter 2 of the Town Code of Ordinances relating to Administration is hereby amended at Article V, Code Enforcement, Division 3; Section 2-439, to read as follows:

“Sec. 2-439. Citation fine schedule.

Upon receiving a citation pursuant to section 2-431, an alleged violator may elect to pay the civil penalty listed below or, in lieu thereof, may proceed to the code enforcement hearing as set forth in the provisions of section 2-429. The following fines shall be applicable to first and subsequent offenses as defined below. If the matter is referred to a code enforcement hearing, the fine imposed may be higher than prescribed in the schedule below as provided in subsection 2-430(a). Nothing in this section shall bar or preclude the town from requiring a mandatory code enforcement hearing.

Class I violations:

First offense\$75.00

Second offense125.00

Third offense250.00

Fourth and subsequent offense500.00

Class II violations:

First offense\$125.00

Second offense250.00

Third offense400.00

Fourth and subsequent offense500.00

Class III violations:

First offense\$250.00

Second and subsequent offense500.00

Class IV violations:\$500.00

Code Section		Class
	CHAPTER 42 - Environment	
	<i>Article IV – Smoke, Odors, Fugitive Dust and Blowing Sand</i>	
<u>Sec. 42-161</u>	<u>Operating machinery creating nuisance; construction</u>	<u>III</u>
<u>Sec. 42-164</u>	<u>Fugitive dust</u>	<u>III</u>
	CHAPTER 18 – Buildings and Building Regulations	
	<i>Article IV – Florida Building Code 2004</i>	
<u>Sec. 18-242, 104.3</u>	<u>Construction site management</u>	<u>III</u>
	CHAPTER 130 – Vehicles for Hire	
	<i>Article II – Taxicabs and Limousines</i>	
	Division 4. Operational Criteria	
<u>Sec. 130-107</u>	<u>Prearranged Charters</u>	<u>III</u>

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 13th day of January 2015, and for second and final reading on this _____ day of February, 2015.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member